



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

November 18, 2004

### TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

TANF Transmittal 27

This transmittal contains changes to the Temporary Assistance for Needy Families (TANF) Program regarding nondiscrimination of persons with disabilities. Policy revisions in this transmittal are based upon requirements of the Americans with Disabilities Act (ADA), the Virginia Human Rights Act, and guidance issued by the federal Office for Civil Rights. This policy was developed through a coordinated effort between the Department of Social Services and national experts on disability law. The transmittal is effective December 1, 2004.

The revisions are listed below, followed by a discussion of the changes by topic:

- Nondiscrimination
- Intentional Program Violation
- Appeals
- Income Verification
- Application/Renewal Process
- Overpayments
- VIEW Exemptions/Volunteers
- Responsibilities of VIEW Worker
- Time Limit
- Definitions
- Program Flow
- Assessment and Supportive Services
- Program Components
- Reassessment
- Sanctions
- Compliance
- Hardship Exceptions
- Forms

- A. Nondiscrimination – Section 101.1 explains key principles of nondiscrimination, including individualized treatment and provision of effective and meaningful opportunities such that

individuals with disabilities are afforded the opportunity to benefit from TANF programs at the same level as individuals without disabilities. Policy in this section defines a person with a disability and explains legal requirements of nondiscrimination, applicability to staff, contractors, and vendors, complaint procedures, and the responsibility of local departments of social services (LDSS) to ensure that other LDSS staff and contractors working with an individual are also aware of the individual's disabilities and modifications needed to enable the individual to have meaningful access to TANF programs and services. The section also gives three examples of reasonable accommodations.

- B. Intentional Program Violation (IPV) – When evaluating an action by an individual to ascertain whether there was intent to commit an IPV, Section 102.1 now requires the worker to determine whether a disability or limited English proficiency (LEP) interfered with the individual's ability to comply with TANF/VIEW requirements. If so, no IPV exists. Similarly, Section 102.3 specifies that if it is determined after an IPV has been imposed that there was a disability that affected the individual's ability to meet requirements, the worker must lift the IPV and prospectively add back the excluded individual to the assistance unit.

IPV notification requirements in Section 102.5 have also been revised to assure that individuals with a disability or limited ability to speak or understand English are made aware that special arrangements will be made, if necessary, for the individual to attend and participate in the IPV hearing. A statement to this effect has been added to the Notice of Intentional Program Violation (032-03-721/7). Should the agency determine that there is compelling information that justifies continued pursuit of the IPV, the right to waive a hearing will not apply. If the individual is not represented at the hearing, the agency will be instructed by the hearing officer to assist the individual in obtaining a representative.

- C. Appeals – Sections 105.1 and 105.2 identify additional notification requirements. For example, a worker must inform clients orally that if they have a disability the agency will help them file an appeal, if needed. In addition, conditions under which assistance must be reinstated retroactively during the appeal process are explained. Section 106.2.B explains that if the claimant cannot attend the hearing on the scheduled date because of a disability or because of the need to care for a disabled child or other member of the claimant's household, the hearing must be rescheduled. Further, Section 106.2.F explains that if a client claims a disability is the reason for failure to comply with program requirements, the information about the disability will be treated as pertinent to the hearing.
- D. Income Verification – Section 305.1.C reiterates the responsibility of the worker to assist a client in obtaining required verifications, if needed. If needed help is not provided, no adverse action can be taken because of the client's failure to provide verification in a timely manner.
- E. Application/Renewal Process – Application forms must be available to the public upon request, as stated in Section 401.1.B, including applications requested on behalf of another individual. Local agencies have a responsibility to assist individuals who have disabilities or language barriers and need help to complete an application (Section 401.1.F). Section 401.2.A requires the LDSS to make other arrangements if an applicant cannot attend an in-office interview, such as a phone interview, home visit, a meeting elsewhere, or an interview with an authorized representative. In situations specified in Sections 401.2.A and 401.2.C, the requirement for a face-to-face interview may be waived. These situations parallel Food

Stamp policy related to waiver of the face-to-face interviews. The case record must be documented in these situations. Policy in Section 401.2, Substantiation of Eligibility Factors, reiterates the need for the worker to assist an applicant who has a disability in obtaining information necessary to establish eligibility. Information that must be given to an applicant/recipient in Section 401.5 has been expanded to include rights of persons with disabilities.

- F. Overpayments – Section 503.7.E has been revised with respect to income-related overpayments. If it is determined that a disability affected a client’s ability to understand reporting requirements, the worker has authority to waive any overpayment prior to the time the agency learned of the overpayment or first determined that it had failed to act upon information correctly provided.
- G. VIEW Exemptions/Volunteers – Exemptions to VIEW participation in Section 901.2 have been expanded to address treatment of persons with disabilities. The temporary medical exemption has been revised to require that the individual’s condition prevent participation of at least eight (8) hours per week. The exemption for an individual needed to care for a member of the household no longer limits those being cared for to individuals receiving Social Security disability or Supplemental Security Income benefits.

Policy regarding VIEW volunteers has been rewritten in Sections 901.2 and 901.3.G to clarify the volunteer’s option to withdraw from VIEW within the 12-month trial period without any penalty and the responsibility of the worker to discuss with the participant the option to withdraw from VIEW if unable to meet VIEW requirements.

- H. Responsibilities of VIEW Worker – Additional responsibilities of the VIEW worker are explained in Section 901.5.I – L. They include: informing VIEW participants of their right to request a screening for disabilities; that the screening is voluntary; their right to meet with the VIEW worker to discuss the need to revise the Activity and Service Plan to reflect disabilities; and their right to have supports, services, and accommodations needed to participate in VIEW identified on their Activity and Service Plan.
- I. Time Limit – When a case reaches the 22<sup>nd</sup> month of VIEW participation, the 60-day advance notice is generated by ADAPT to notify VIEW participants that their case will be closed due to the 24-month limit on receipt of benefits while in VIEW. In addition, the VIEW worker must make a good faith effort to contact the client to inform him verbally of the upcoming case closure (901.10).

In Section 901.11, the circumstances allowing the 24-month period of ineligibility to be waived have been revised. If a VIEW participant whose case has been closed because of the 24-month time limit becomes disabled or must care for a disabled household member for whom he is legally responsible to the extent that it prevents employment, the parent and children in the family may be eligible for TANF benefits even though in the 24-month period of ineligibility.

- J. Definitions – A definition of “disability” has been added to Chapter 1000, page 1, and a definition of “household member” has been revised on page 2.

- K. Program Flow – Chapter 1000, pages 6 – 8a, explains the VIEW worker’s responsibility to offer disability screenings to VIEW participants at specific times, such as the first 90 days of VIEW, whenever the individual has information that is indicative of a disability or a possible disability, or any other time the participant requests a screening. In addition, it describes required action if the screening indicates the likelihood of a disability that affects VIEW compliance, information that must be provided to the individual prior to a screening or referral for assessment, whether accommodations are needed, and the need to modify job search requirements because of a disability or LEP. At reassessment, the VIEW worker must explore whether any barriers, including a disability, LEP, or lack of needed accommodations or support services are preventing the individual from obtaining employment and, when appropriate, refer the participant for screening.
- L. Assessment and Supportive Services – Chapter 1000, pages 9 – 18, contains new requirements for scheduling and completing the initial assessment. They include: assuring that the assessment interview is scheduled so as not to conflict with medical, mental health, or treatment appointments; procedures to be followed if the participant misses the interview and, if good cause does not exist, required action by the VIEW worker prior to taking a negative action; and informing the participant about his right to disclose a disability to the agency and the benefits of doing so.

Initial assessment procedures have been expanded to include procedures for screening for disabilities that may interfere with the participant’s ability to comply with VIEW requirements or to work. All participants must be offered screening for learning disabilities, mental health disabilities, and alcohol and substance abuse. If the screenings indicate a potential impairment, the participant must be offered the opportunity to be referred for an assessment. It is preferable that the screening process occur within 90 days of referral from the eligibility worker, but it can occur at any time there is any suspicion or evidence that a problem may be affecting the person’s ability to meet VIEW requirements. If a disability is found to exist, the Activity and Service Plan must be updated to indicate required treatment, support services, and accommodations. Similar procedures apply when evaluating the disability of a household member for whom the participant provides care.

- M. Program Components – Revisions have been made to VIEW activity components as indicated below:
- Job search procedures allow individuals with a verified disability or LEP greater flexibility in meeting job search requirements, e.g., fewer required employer contacts, assistance in arranging job search contacts, and placement in alternative activities (Chapter 1000, pages 19 – 21).
  - Part-time employed participants must be assigned to a concurrent education or skills training or other program activity unless the participant, or a household member for whose care he is responsible, has a verified disability. In that case, the individual is not required to participate in a concurrent activity (Chapter 1000, page 24 and 27).
  - During job follow-up contacts, identify any problems on the job and, as appropriate, offer screening, in-depth evaluation, and arrange for reasonable accommodations. If problems identified are due to inability to balance work with the caring for a household member with a verified disability, the VIEW worker must determine what steps should be taken to assist the participant (Chapter 1000, page 26).
  - Community Work Experience Program (CWEP) and vocational education participants must be assigned to a concurrent work activity if they do not meet the minimum

participation requirements, unless the participant, or the participant's disabled household member for whom he is responsible, has a disability that prevents participation in a concurrent activity. If in CWEP, the CWEP supervisor must ensure that reasonable accommodations are provided at the work site if required by the Activity and Service Plan (Chapter 1000, pages 36, 37, and 45).

- Participants in training activities for less than 30 hours per week must be assigned to concurrent activities unless the participant is unable to meet the 30-hour requirement due to disability-related reasons (Chapter 1000, page 40).
- If satisfactory attendance and progress in secondary or post-secondary education or job skills training is not being made, the VIEW worker must evaluate the need for a screening for a cognitive, developmental, or learning disability to help identify the reason for difficulties and determine needed accommodations. It may also be appropriate to make changes to the participant's training to best suit the participant's abilities. (Chapter 1000, pages 40 – 46).
- Individuals participating in Job Development and Job Placement activities that have a verified disability or must care for a household member who has a verified disability, may have their participation in this work component extended if the person will benefit from a longer period of participation. If the VIEW worker determines that the participant might be more successful if not required to complete a concurrent work activity, the concurrent work activity may be discontinued (Chapter 1000, pages 47 – 47a).
- Additional circumstances that warrant assignment to inactive status are listed in Chapter 1000, page 48. They include: lack of needed supports, services, or accommodations; participation in health, mental health, or substance abuse treatment or rehabilitation services that prevent participation in a component; and when screening indicates a potential disability, but an assessment is not available.
- Participants will be placed in pending status if they have a verified disability and need services, supports, or accommodations which are not immediately available (Chapter 1000, page 49).

N. Reassessment – When reviewing a VIEW participant's progress and addressing any problems interfering with employment, the VIEW worker must explore whether disabilities contributed to the participant's inability to find full-time unsubsidized employment and offer a screening. If a disability is suspected, the worker will offer an in-depth evaluation to determine the individual's limitations and any accommodations needed. The Activity and Service Plan must be revised to include the findings (Chapter 1000, page 52).

O. Sanctions – Revisions to Section 901.6 clarify that the eligibility worker must notify the VIEW worker to reevaluate the decision to sanction if he knows a disability may have prevented the client's participation. The VIEW worker must then determine whether a disability or LEP interfered with participation in VIEW and, if so, notify the EW not to impose the sanction. If the sanction has already been imposed, the VIEW worker will advise the eligibility worker to lift it immediately and adjust the sanction count and restore benefits accordingly.

Revisions to Chapter 1000, pages 58 – 59a, regarding good cause for failure to participate, require the VIEW worker to attempt to contact the participant by phone to encourage participation, explore good cause, and/or notify the participant of a possible sanction. In addition to the verbal contact, the worker may send the VIEW Notice of Sanction/Termination. If good cause does not exist or the worker is unable to contact the

participant, the Advance Notice of Proposed Action must be sent. Good cause exists when the reason for non-compliance was that the participant had a verified disability or a household member with a verified disability that was not previously identified or addressed. The worker must allow a reasonable amount of time to verify the disability prior to imposing the sanction. Prior to imposing the sanction, the supervisor or designee must review the case and sign the “VIEW Non-Compliance Checklist” (032-03-671) approving the sanction.

- P. Compliance – During a sanction, reasonable accommodations must be provided to individuals with verified disabilities during the time they are performing verifiable acts of compliance or enable the participant to perform acts of compliance (Chapter 1000, page 65).
- Q. Hardship Exceptions – Policy related to hardship exceptions has been revised in Chapter 1000, pages 70 – 75a. Application for a hardship exception must be made within the 60-day period prior to the end of the two-year time period, with the exception of an individual whose failure to apply timely was due to disability reasons. If the VIEW worker determines there was good cause because of a disability, any sanctions against the individual must be examined to determine if they may have occurred as a result of the disability of the participant or the disabled individual for whom the participant was providing care. Any sanctions found to have been improperly imposed must not bar granting of a hardship exception. If an individual does not meet the criteria for a hardship exception, the VIEW worker must determine if the reason was due to a verified disability or disability of a household member for whom the participant was responsible.

A participant granted a hardship exception who leaves an employment-related education or training activity cannot have the hardship exception revoked unless, after attempting to contact the individual by at least two different means to determine why the person left the program and whether it was related to a verified disability of the participant or a household member with a verified disability, the worker determines there is not a good cause basis for continuing benefits. VIEW participants must be informed that they may be entitled to receive benefits beyond 24 months based on hardship and the right to apply, the criteria for qualifying, the documentation required, the right to receive help in applying for a hardship exception, and their right to appeal the decision.

- R. Forms – Two new forms have been created and four existing forms have been revised as follows:
- “Do you have a disability?” (032-03-670) – This new form provides an opportunity for applicants to identify known conditions or disabilities, learn about rights of people with disabilities, and for workers to explain types of help the agency can offer. The form must be completed prior to approval of an application. Current TANF recipients must be given the opportunity to sign this form no later than the next renewal.
  - VIEW Non-Compliance Checklist (032-03-671) – This form, which is also new, must be completed prior to notifying the eligibility worker to sanction a VIEW participant for non-compliance with VIEW requirements.

Other forms that have been revised to reflect policy changes to accommodate persons with disabilities are:

- Medical Evaluation (032-03-654/2) – This form has been revised to reflect the change in Section 901.2.C which exempts individuals because of a medical condition that prevents entry into at least eight hours per week of employment or training.
- Hardship Exception Determination Form (032-03-376/3) – This form has been revised to comport with new requirements in Chapter 1000, pages 71 – 73, taking into account failure to meet hardship exception requirements due to verified disability-related reasons.
- Notice of Intentional Program Violation (IPV) (032-03-721/7) – A statement has been added advising the client to notify his worker if he has a disability or limited ability to speak and understand English and needs to have special arrangements made to attend or present his case at the IPV hearing. This form is posted on the TANF Forms web site.
- TANF 24-Month Advance Notice of Proposed Action (0302-03-368/2) – This form, which explains the hardship exception eligibility criteria, has been revised to clarify the requirements for persons with disabilities or who are caring for a disabled household member. This form is posted on the TANF Forms web site.

Runover pages: Sections 101.2, page 1c; 102.2, page 1a; 102.12 – 102.13, pages 6 – 6a; 105.2, pages 3 – 3a; 106.2, page 3a; 401.1, page 1b; 401.1, page 2a; 401.2, pages 2a – 2d; 901.3 – 901.4, page 5; 901.5, page 5b; 901.6 – 901.7, page 7a; Chapter 1000, pages 3 – 4, 20 – 20a, 22, 25, 27a, 74, and 75a.

The transmittal pages are to be incorporated into the TANF Manual as follows:

Main Table of Contents, pages 8 – 9, dated 12/04 (2 sheets), to replace Main Table of Contents, pages 8 – 9, dated 12/03 and 6/01, respectively (2 sheets).

Sections 100.2 – 101.1, pages 1 – 1c, dated 12/04 (4 sheets), to replace Sections 100.2 – 101.2, page 1, dated 1/20/97 (1 sheet).

Section 102.1 – 102.13, pages 1 – 6a, dated 12/04 (9 sheets), to replace Section 102.1 – 102.13, pages 1 – 6, dated 12/03, 12/03, 4/03, 12/03, 4/03, 4/03, 7/97, 7/97, respectively (8 sheets).

Sections 105.1 – 105.2, pages 1 – 3a, dated 12/04 (4 sheets), to replace Sections 105.1 – 105.2, pages 1 – 3, dated 7/04, 4/03, and 12/03, respectively (3 sheets).

Section 106.2, pages 3 – 4, dated 12/04 (3 sheets), to replace Sections 106.2, pages 3 – 4, dated 7/97 (2 sheets).

Section 305.1, pages 8 – 8a, dated 12/04 (2 sheets), to replace Section 305.1, page 8, dated 7/04 (1 sheet).

Section 401.1, pages 1a – 2a, dated 12/04 (4 sheets), to replace Section 401.1, pages 1a – 2, dated 1/03 and 7/04, respectively (2 sheets).

Section 401.2, pages 1 – 2e, dated 12/04 (8 sheets), to replace Section 401.2, pages 1 – 2e, dated 5/99, 1/20/97, 7/04, 7/04, 7/04, 7/04, 10/04, and 12/03, respectively ( 8 sheets).

Sections 401.5 – 401.8, dated 12/04 (2 sheets), to replace Section 401.5 – 401.8, dated 12/03 and 10/02, respectively (2 sheets).

Section 503.7, page 2b, dated 12/04 (1 sheet), to replace Section 503.7, page 2b, dated 10/04 (1 sheet).

Sections 901.2 – 901.7, pages 2 – 7b, dated 12/04 (12 sheets), to replace Section 901.2 – 901.7, pages 2 – 7a, dated 4/03, 4/03, 4/03, 7/96, 7/04, 7/04, 5/99, 10/00, 4/98, and 10/99, respectively ( 10 sheets).

Section 901.10, page 9a, dated 12/04 (1 sheet), to replace Section 901.10, page 9a, dated 4/03 (1 sheet).

Sections 901.11 – 901.12, page 10, dated 12/04 (1 sheet), to replace Section 901.11 – 901.12, page 10, dated 10/02 (1 sheet).

Chapter 1000, Table of Contents, page i, dated 12/04 (1 sheet), to replace Chapter 1000, Table of Contents, page i, dated 7/04 (1 sheet).

Chapter 1000, pages 1 – 4, dated 12/04 (4 sheets), to replace Chapter 1000, pages 1 – 4, dated 6/01, 7/04, 10/99, and 7/04, respectively (4 sheets).

Chapter 1000, pages 6 – 10, dated 12/04 (6 sheets), to replace Chapter 1000, pages 6 – 10, dated 7/99, 7/99, 1/03, 1/03, and 10/02, respectively (5 sheets).

Chapter 1000, pages 11 – 12a, dated 12/04 (6 sheets), to replace Chapter 1000, pages 11 – 12a, dated 7/99, 4/03, and 4/03, respectively (3 sheets).

Chapter 1000, pages 14 – 15a, dated 12/04 (3 sheets), to replace Chapter 1000, pages 14 – 15, dated 4/03 and 7/03, respectively (2 sheets).

Chapter 1000, pages 18 – 22, dated 12/04 (6 sheets), to replace Chapter 1000, pages 18 – 22, dated 10/99, 4/03, 7/04, 4/03, and 7/99, respectively (5 sheets).

Chapter 1000, pages 24 – 27a, dated 12/04 (5 sheets), to replace Chapter 1000, pages 24 – 27, dated 6/01, 7/04, 7/04, and 7/04, respectively (4 sheets).

Chapter 1000, pages 36 – 37, dated 12/04 (2 sheets), to replace Chapter 1000, pages 36 – 37, dated 10/04 (2 sheets).

Chapter 1000, pages 40 – 43, dated 12/04 (5 sheets), to replace Chapter 1000, pages 40 – 43, dated 10/99, 7/99, 10/99, and 10/99, respectively (4 sheets).

Chapter 1000, pages 45 – 49, dated 12/04 (7 sheets), to replace Chapter 1000, pages 45 – 49, dated 7/99, 7/99, 3/00, 3/00, 7/00, and 7/04, respectively (6 sheets).

Chapter 1000, page 52, dated 12/04 (1 sheet), to replace Chapter 1000, page 52, dated 7/04 (1 sheet).



Chapter 1000, pages 58 – 59a, dated 12/04 (3 sheets), to replace Chapter 1000, pages 58 – 59a, dated 10/02, 4/03, and 10/99 (3 sheets).

Chapter 1000, page 65, dated 12/04 (1 sheet), to replace Chapter 1000, page 65, dated 10/02 (1 sheet).

Chapter 1000, pages 71 – 75a, dated 12/04 (7 sheets), to replace Chapter 1000, pages 71 – 75, dated 10/99, 7/99, 7/99, 7/99, and 7/99, respectively (5 sheets).

Chapter 1000, Appendix A, page 1, dated 12/04 (1 sheet), to replace Chapter 1000, Appendix A, page 1, dated 7/04 (1 sheet).

Chapter 1000, Appendix A, pages 31 – 35, dated 12/04 (5 sheets), to replace Chapter 1000, Appendix A, page 31, dated 7/04 (1 sheet).

Chapter 1000, Appendix A, pages 44 – 45, dated 12/04 (2 sheets), to replace Chapter 1000, Appendix A, pages 44 – 45, dated 7/00 and 10/04, respectively (2 sheets).

Chapter 1000, Appendix A, pages 53 – 55, dated 12/04 (3 sheets), to replace Chapter 1000, Appendix A, pages 53 – 55, dated 7/04 (3 sheets).

A handwritten signature in black ink, reading "S. Duke Storen". The signature is fluid and cursive, with a long horizontal stroke at the end.

S. Duke Storen, Director  
Division of Benefit Programs

Attachment

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In addition, the State Department of Social Services carries direct responsibility for locating and securing support from responsible persons for children receiving TANF and, on application, providing this same service to non-welfare clients.

100.3 - FUNDING - The funding for the TANF Program is accommodated through a federal block grant and from State funds authorized by the General Assembly of Virginia.

101.1 - NONDISCRIMINATION - Federal law and the Virginia Human Rights Act, Virginia Code §2.2-2632 et seq., bar discrimination on the basis of age, race, sex, disability, religious creed, national origin, and political belief. The following civil rights laws apply in TANF:

1. The Age Discrimination Act of 1975, 42 U.S.C. §6101 et seq.
2. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794
3. The Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.
4. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.

Virginia has established procedures for ensuring fair and equitable treatment of applicants and recipients of public assistance. The local department of social services must assure that no person shall, on the grounds of age, race, color, sex, disability, religious creed, national origin, or political belief be subjected to discrimination.

A. Key Principles - Compliance with these laws assures that equal opportunity for persons with disabilities to benefit from all aspects of public assistance programs, including access to the proper support services to enable such individuals to work and to keep their families healthy, safe and intact. There are two key principles underlying the bar on discrimination against people with disabilities:

1. Individualized treatment. "Individualized treatment" requires that individuals with disabilities be treated on a case-by-case basis consistent with facts and objective evidence. Individuals with disabilities may not be treated on the basis of generalizations and stereotypes.
2. Effective And Meaningful Opportunity. "Effective and meaningful opportunity" means that individuals must be afforded meaningful access to the TANF program so that individuals with disabilities benefit from and have meaningful access to TANF to the same extent as individuals who do not have disabilities.

- B. Legal Requirements - In order to implement these two principles, the following legal requirements must be met:
- Ensure equal access through the provision of appropriate services to people with disabilities.
  - Modify policies, practices and procedures to provide such equal access.
  - Adopt non-discriminatory methods of administration in the program.
- C. Applicability To All Staff, Contractors, Vendors At The State And Local Levels - In compliance with the federal laws, Virginia does not discriminate against people with disabilities in its TANF program. This policy applies to all Department of Social Services staff at both the state and local levels. It also applies to those agencies and entities with which we contract for services. State and county agencies must ensure that contractors and vendors do not subject recipients to discrimination.
- D. Definition Of A Person With A Disability - Federal law protects individuals with a "disability" and defines that term to mean a person who has a physical or mental impairment that substantially limits one or more of the major life activities of that individual, a person who has a record of such an impairment, or a person who is being regarded as having such an impairment.
- E. Complaint Procedures - Individuals who believe that they have been discriminated against on the basis of disability have the right to file a grievance under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) with the state TANF Manager. The grievance must be resolved promptly.

Individuals who believe they have been discriminated against on the basis of disability (including failure to provide reasonable accommodations), race, national origin (including the failure to provide access to services to people with limited English proficiency) can also file a complaint with the Office of Civil Rights at the U.S. Department of Health and Human Services. Complaints must be filed within 180 days after the discrimination occurred. The complaint should include the same information listed in Part A above. To file a complaint, write to:

HHS Office for Civil Rights  
Suite 372  
Public Ledger Building  
150 S. Independence Mall West  
Philadelphia, PA 19106-3499  
Hotline: 1-800-368-1019  
TDD: 215-861-4440

- F. Responsibility To Share Information Between Staff And Contractors - If one section of DSS determines that a person has a disability, then the staff must share that information with the other staff, as appropriate.

The case record must include clear references to a person's disabilities, along with a description of the reasonable modifications that agency staff have determined are needed to address the person's disability and services and supports the agency will provide to assist the individual and family.

- G. Staff Authority To Make Reasonable Modifications - It is the responsibility of the worker to consider whether a person may have a disability, and how a person's disability may affect the person's ability to comply with rules, fill out forms, attend appointments, etc. If it is determined that a person has a disability that affects her ability to comply with program rules or procedures, the worker has the authority to make reasonable modifications to program rules, requirements and procedures to ensure that the person with a disability receives full and meaningful access to TANF programs and services.

Evidence of disability of a recipient or a household member in need of the recipient's care, including any indications that the person may have a disability, and all requests for reasonable accommodations shall be documented in the case file.

- H. Examples Of Accommodations

Ms. A comes in to apply for TANF. She has a learning disability and is unable to complete the application. As a reasonable accommodation, staff assists her to complete the application.

Ms. B is not able to come to the office due to the nature of her disability. Staff arranges to obtain the information by phone.

Ms. C missed repeated appointments. It is determined that she has a mental illness preventing her from organizing information and keeping track of appointments. The staff phones her on the morning of an appointment to help her to remember to keep the appointment.

101.2 - COMPLAINT PROCEDURES - Any person who believes that he has been subjected to discrimination on the basis of race, color, national origin, sex, age, religion, political affiliation, or handicap has a right to file a complaint. Such a complaint may be filed also by a representative of the person allegedly discriminated against. Procedures below are to be followed:

- A. When the alleged discriminatory practice is on the part of the local department or its staff, the complaint is to be made in writing to the local welfare board not later than 180 days from the date of the alleged discrimination. A complaint may also be filed with the Commissioner of the Virginia Department of Social Services, or with the Region III Office of Civil Rights. The written complaint must include:
  - 1. The name of the person or persons felt to have been treated unfairly.
  - 2. The date and nature of the treatment received.
  - 3. The names of other persons, if any, who were present when this action allegedly occurred.
  - 4. Any other pertinent facts related to the complaint.
  - 5. The date the complaint is made.
  - 6. The signature of the person making the complaint.
- B. Each complaint received is to be investigated and corrective action taken if appropriate.
- C. If the person making the complaint requests a hearing before the local board, the request is to be granted and reasonable notice of the hearing given by the agency to those persons whose participation is necessary in a review of the questions raised in the complaint.

INTENTIONAL PROGRAM VIOLATION

12/04

102.1 - 102.2

102.1 DEFINITION - "Intentional Program Violation (IPV)" means any action by an individual for the purpose of: 1) establishing or maintaining the family's eligibility for Temporary Assistance for Needy Families (TANF)\* (diversionary and ongoing assistance) or Virginia Initiative for Employment not Welfare (VIEW); or 2) increasing or preventing a reduction in the amount of the grant; or 3) establishing eligibility for VIEW supportive or transitional services.\*\* For an IPV to exist, the action by the individual must be: 1) an intentionally false or misleading statement or misrepresentation; 2) concealment or withholding of facts; or 3) any act intended to mislead, misrepresent, conceal or withhold facts or propound a falsity.\*\*\* Whoever obtains or attempts to obtain, or aids or abets any person in obtaining, by means of a willful statement or representation, or by impersonation, or other fraudulent device, assistance or benefits from TANF and other programs designated under rules and regulations of the State Board of Social Services is committing an IPV.

In determining whether an IPV exists, the worker must determine that a disability of the individual was not the cause of the person's actions, such that the person did not have the intent to make a false or misleading statement or misrepresentation. In such cases, an IPV cannot be found. Instead, the local agency will work with the individual to ensure that a similar problem does not arise in the future. This may require that the agency put in place steps to assist the individual to provide the worker with the needed information on a timely basis.

102.2 RESPONSIBILITIES OF LOCAL DEPARTMENTS - The local agency has the following responsibilities in relation to IPV:

- A. During the TANF application and VIEW assessment the agency must ensure and document that a clear and full explanation is given to the applicant/recipient of the eligibility requirements for the type of assistance and services being requested or received; of his responsibility to give complete and accurate information related to his eligibility and to report promptly and fully any changes in his circumstances; and of the provisions of the law with respect to knowingly giving false information or deliberately withholding information which would affect his eligibility for assistance or the amount thereof. The worker must explain fully to the recipient what types of changes in his circumstances would have an effect on the grant and services provided. At TANF application, the agency must explain IPV to the applicant/recipient and explain the Notice of Intentional Program Violation Penalties. This form may be found on the local agency DSS Intranet site ([www.localagency.dss.state.va.us](http://www.localagency.dss.state.va.us)). A copy is to be given to the applicant/recipient and a copy is filed in the eligibility record. The assistance unit must report all required changes within 10 calendar days from the date the unit knows of the change but is reported timely if reported by the tenth of the following month.
- B. The local agency must conduct an investigation of an allegation that an individual committed an intentional program violation, regardless of the TANF payment or VIEW Program status. A determination as to whether an IPV has occurred must be based on careful consideration of the

\* 45 CFR 235.112

\*\* 2002 Acts of Assembly, Item 362

\*\*\* Code of Virginia 63.2-522



circumstances. A determination must be made that there has been a deliberate misrepresentation on the part of the applicant/recipient. Consideration should be given to: (1) whether the incorrect or unreported information was, in fact, known to the applicant/recipient and (2) whether the applicant/recipient understood the eligibility and reporting requirements.

- C. The local agency is required to proceed against any individual alleged to have committed an intentional program violation by referring the matter to the appropriate authorities for criminal action in a federal or state court or through an administrative disqualification hearing (ADH).

An individual may be charged with an IPV even if the application was denied. An overpayment does not have to exist for there to be a determination of an IPV. Individuals may be charged with an IPV for VIEW even if supportive or transitional services have not yet been received. For a VIEW IPV the agency is not to terminate future supportive or transitional services if those services are needed to assist the client to maintain employment.

The local agency may refer a case for prosecution or initiate an ADH regardless of the current eligibility of the individual.

- D. The local agency must coordinate its actions with any corresponding actions being taken against the individual under the Food Stamp Program if the factual issues involved arise out of the same or related circumstances.
- E. The forms listed below must be used in the IPV process. The forms and instructions for their use may be accessed from the Local Agency DSS Intranet site ([www.localagency.dss.state.va.us/](http://www.localagency.dss.state.va.us/)).

1. [Notice of Intentional Program Violation](#) (032-03-721)
2. [Waiver of Administrative Disqualification Hearing](#) (032-03-722)
3. [Referral for Administrative Disqualification Hearing](#) (032-03-725)
4. [Advance Notice of Administrative Disqualification Hearing](#)  
(032-03-724)
5. Administrative Disqualification Hearing Decision (032-03-723)
6. Notice of Disqualification for Intentional Program Violation  
(032-03-052)

- F. The local agency shall confer with the appropriate local legal authorities to determine the types of cases accepted for prosecution and cases of alleged IPV will be referred for prosecution in accordance with the agreement established between the legal authority and the local

agency. This agreement shall include information on how and under what circumstances cases will be accepted for possible prosecution and any other criteria set by the prosecutor for accepting cases for prosecution, such as a minimum amount of overpayment which resulted from the IPV. The local agency is to refer for prosecution those individuals as agreed to with the Commonwealth's Attorney.

102.3 IPV DISQUALIFICATION PENALTIES - An individual found to have committed an IPV by a court of appropriate jurisdiction, pursuant to an administrative disqualification hearing (ADH), or waiving his right to an administrative disqualification hearing is subject to IPV penalty periods of six months for the first offense, twelve months for the second offense, or permanently for the third offense. Notice of the disqualification penalties for IPV is included in the Application for Benefits (032-03-824).

**If found to have committed an IPV pursuant to an ADH, and at some later point it is determined that the individual had a disability that interfered with his or her ability to file accurate and timely information, or with his or her capacity to have the intent to defraud or otherwise provide improper information to the state, or has limited English proficiency that impaired his or her ability to provide accurate and timely information, the worker must lift the IPV and prospectively reinstate benefits.**

NOTE: No individual can be disqualified for a TANF IPV that was committed prior to December 1, 1992 or an IPV committed in the VIEW Program prior to April 1, 2003. IPV's committed prior to this date can be referred for prosecution; however, no disqualification period can be imposed if found guilty. Additionally, the ADH process is not applicable to IPV's committed prior to December 1, 1992.

- A. Only the individual found guilty of committing an IPV shall be disqualified. The local agency shall not take the individual's needs into account when determining the assistance unit's need and the amount of assistance. However, if the individual is a parent, any income of the disqualified parent must be considered available to the assistance unit. (See [Section 305.4](#)) NOTE: When an IPV occurs and the Waiver of Administration Disqualification Hearing (032-03-722) is signed while the application is pending, the disqualified individual's needs are excluded when determining a diversionary assistance payment.
- B. The period of disqualification must begin no later than the second month following the month of the court's decision of guilty, the date the waiver notice is received by the local agency, or the date the Administrative Disqualification Hearings Decision Notice is issued by the hearing officer. If the individual is not eligible for TANF at the time the disqualification is to begin, the period must be postponed until the individual applies for and is determined eligible for benefits. The disqualification period must run uninterrupted until it expires.

The disqualification penalty must be in addition to, and cannot be substituted for, any other sanctions or penalties which may be imposed by the court for the same offense. The disqualification penalty cannot substitute for other sanctions under the TANF program.

Any period for which a disqualification period is imposed will remain in effect, without possibility of an administrative stay, unless and until the finding upon which the penalty was based is subsequently reversed by a court of appropriate jurisdiction, **or the disqualification period was imposed by an ADH and it is determined that the individual had a disability that prevented the filing of accurate and timely information or with his or her capacity to have the intent to defraud or otherwise provide improper information to the state, or has limited English proficiency that prevented providing accurate and timely information, then lift the IPV and reinstate benefits prospectively.** In no event shall the duration of the period for which such penalty is imposed be subject to review in a fair hearing.

- C. An individual convicted in state or federal court of fraudulently misrepresenting his address to receive benefits in two or more states is ineligible to receive TANF for 10 years. Benefits refer to TANF, Medicaid, and Food Stamps. The 10 year period begins on the date the individual is convicted.\*

102.4 ADMINISTRATIVE DISQUALIFICATION HEARINGS (ADH) - An administrative disqualification hearing is an impartial review by a hearing officer of an individual's actions involving an alleged IPV for the purpose of rendering a decision of guilty or not guilty of committing an IPV.\*\*

In order to request an ADH, the local agency shall ensure that a pre-hearing investigation has occurred and that the evidence supports the charge of intentional program violation. There must be clear and convincing evidence which demonstrates the individual committed or intended to commit a TANF, or

\* Code of Virginia 63.2-522

\*\* 45 CFR 235.113

VIEW IPV. Examples of evidence include but are not limited to:

- A. Written verification of unreported income received by the individual; or
- B. Verification that the individual understood the reporting responsibility by his signature on the application/redetermination form or another form for this purpose.
- C. An application/redetermination form or change form submitted during the period the IPV is alleged to have occurred which omits the information in question; or
- D. Documented contacts with the individual during the period the IPV is alleged to have occurred in which the individual failed to report the information in question.
- E. Verification that information on a voucher or check for gas or check to a vendor was altered. Example: changing money amounts, purpose, date or signature; or
- F. Verification that the client received other services provided by the agency and sold them to another individual; or
- G. Verification that items were obtained under false pretenses. Example: receiving assistance to obtain an automobile and giving it to another person.

If a case is referred for an ADH, it shall not be simultaneously referred for prosecution. Cases dismissed in court or individuals acquitted by the court cannot be referred for an ADH.

102.5 NOTIFICATION OF IPV - Prior to requesting an ADH by the State Hearing authority, the local agency shall provide the form, [Notice of Intentional Program Violation](#), to the individual alleged to have committed the program violation advising the individual of the alleged IPV. In addition, the individual must be informed he can waive his right to an administrative disqualification hearing by signing the [Waiver of Administrative Disqualification Hearing](#) form and returning this form to the local agency within 10 days.

The notice must advise the person that reasonable accommodations are available in order to participate in the hearing. It must also inform the person that if the person has a disability or limited English proficiency that could have impaired the person's ability to provide accurate and timely information, the person should provide this information to the eligibility worker and the hearing officer, as this information could have an impact on the decision about whether there is an IPV.

If there is an indication of a disability or that the person has limited English proficiency that prevented providing accurate and timely information or the capacity to have the intent to defraud or otherwise provide improper information, but the staff has determined to proceed with the IPV because there is compelling evidence of intent to violate the requirements, then it

**will not be appropriate to accept a waiver of hearing from the individual and the request for a hearing must be forwarded to the State Hearing authority.**

If a signed waiver is received, an ADH is not scheduled and the disqualification period is imposed in accordance with policy at Section 102.3. A copy of the signed waiver is to be sent, for federal reporting purposes, to:

Manager, Appeals and Fair Hearings  
Virginia Department of Social Services  
730 East Broad Street  
Richmond, VA 23219-1849

102.6 REFERRAL FOR AN ADH - If a signed waiver is not received within 10 days, the local agency shall request an ADH be scheduled by submitting form, [Referral for Administrative Disqualification Hearing](#), to the State Hearing authority. The form must include the following information:

- A. Identifying information
- B. Summary of the allegation(s)
- C. Summary of the evidence
- D. Copies of documents supporting the allegation(s)

The referral is to be signed and dated by the supervisor or local agency director.

A fair hearing and an ADH may be combined into a single hearing if the factual issues arise out of the same or related circumstances provided that the individual receives prior notice of the consolidation.

102.7 SCHEDULING THE ADH - Upon receipt of the request for an ADH, the State Hearing authority will forward the request to the appropriate Regional Hearing Officer.

102.8 ADVANCE NOTICE OF ADH - The hearing officer will schedule a date for the ADH and provide written notice to the individual suspected of committing an IPV at least 30 days in advance of the date the ADH has been scheduled. The form, [Advance Notification of Administrative Disqualification Hearing](#), is used for this purpose.

102.9 TIME AND PLACE OF THE ADH - The time and place of the ADH shall be arranged so that the hearing is accessible to the individual suspected of committing an IPV. The individual may request a postponement of the ADH if the request for postponement is made at least 10 days in advance of the date of the scheduled hearing. The ADH shall not be postponed for more than a total of 30 days and the State Hearing authority may limit the postponement to one.

102.10 FAILURE OF INDIVIDUAL TO APPEAR AT THE ADH - The ADH can be held even if the individual fails to appear. The individual has 10 days from the date of the scheduled ADH to present reasons indicating good cause for failure to appear. No notice to the individual is required when failure to appear occurs.

Even though the individual is not represented, the hearing officer must carefully consider the evidence and determine if an IPV was committed based on clear and convincing evidence. If the individual is found to have committed an IPV but a hearing officer later determines there was good cause for not appearing, the previous decision is no longer valid and a new ADH must be conducted. The hearing officer who conducted the original hearing may conduct the new hearing. The good cause decision must be entered into the hearing record by the hearing officer.

102.11 PARTICIPATION WHILE AWAITING A HEARING - A pending ADH shall not affect the individual's right to participate in the TANF/VIEW program. The local agency may not disqualify an individual until the hearing officer finds that the individual has committed an IPV. This does not preclude, however, the local agency from reducing, suspending or terminating assistance for other reasons.

102.12 CONDUCT OF THE ADH - The hearing officer presides and conducts the hearing informally. Technical rules of evidence are not required. The hearing may be conducted via a teleconference or a telephone hearing.

A. Attendance at the ADH

The ADH is attended by persons directly concerned with the issue. This normally means a representative of the local agency and the individual alleged to have committed the IPV.

B. Responsibilities and Duties of the Hearing Officer

The hearing officer shall:

1. Identify those present for the record.
2. Advise the individual that he may refuse to answer questions during the hearing and that anything said or signed by the individual concerning the charge(s) may be used against him in a court of law. **If the person is not represented and has been determined to have a disability or limited English proficiency that could affect his or her ability to represent him or herself, then the hearing officer must direct the local agency to assist the person in identifying a representative.**
3. Explain the purpose of the ADH, the procedure, how and by whom a decision will be reached and communicated, and the option of either the individual or the local agency to request review of the hearing officer's decision by the Commissioner's appeals review panel..
4. Consider all relevant issues. Even if the household is not present, the hearing officer is to carefully consider the evidence and determine if an IPV was committed.
5. Request, receive and make part of the record all evidence determined necessary to render a decision.

6. Regulate the conduct and course of the hearing consistent with due process to insure an orderly hearing.
7. Advise the local agency to obtain medical assessment at local expense if the hearing officer considers it necessary.

C. Rights of Individual

The individual alleged to have committed an IPV must be given adequate opportunity to:

1. Examine all documents and records to be used at the ADH at a reasonable time prior to the ADH as well as during the ADH. The contents of the case file, including the application form and documents of verification used by the local agency to establish the alleged IPV, shall be made available.
2. Present his own case or with the aid of an authorized representative.
3. Bring witnesses.
4. Establish all pertinent facts and circumstances.
5. Question or refute any testimony or evidence, including the opportunity to confront and cross-examine witnesses.
6. Advance arguments without any undue influence.

As the individual may not be familiar with the rules of order, it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the individual feel most at ease.

The individual may refuse to answer questions during the hearing.

D. Responsibilities and Duties of Local Agency

The local agency representative is responsible for presenting the agency's case at the ADH. The agency representative has the same rights as the individual as listed in Section 102.12 C.

102.13 NOTIFICATION OF ADH DECISION - The hearing officer is responsible for rendering a decision based on clear and convincing evidence. The decision shall be based on evidence and other material presented at the hearing. The hearing officer must substantiate his decision by identifying supporting evidence and applicable regulations.

Following the ADH, the hearing officer shall prepare a written report of the hearing which shall include findings, conclusions, decisions and appropriate recommendations. The decision shall specify the reasons for the decision, identify the supporting evidence, identify pertinent TANF regulations and respond to reasoned arguments made by the individual or representative.

The hearing officer must notify the individual of the decision within 90 days of the date of the Advance Notice of ADH. [The Administrative Disqualification Hearing Decision](#) Form shall accompany the findings. The individual shall be informed of his right to request the Commissioner's appeals review panel review of the decision within 10 days of the date of the notice. If the individual is found guilty of an IPV, the decision shall advise the individual that disqualification will occur.

If the individual did not appear at the hearing and the hearing officer determines that an IPV was committed, the hearing officer will delay notification of the decision until 10 days after the date of the hearing to allow the individual time to present good cause for failing to appear. No notice to the individual is required when failure to appear occurs.

The determination of an IPV by the hearing officer cannot be reversed by a subsequent fair hearing.

The individual is entitled to seek relief in a court of appropriate jurisdiction. The period of disqualification may be subject to stay by a court of appropriate jurisdiction or other injunctive remedy.



## 105.1 NOTIFICATION OF RIGHT TO APPEAL -

- A. Every applicant for and recipient of assistance shall be informed in writing, at the time of application and at the time of any action, proposed or taken, affecting his claim, of the circumstances under which he has a right to a fair hearing of the method by which he may obtain a hearing, and of the right to be represented by others or to represent himself.\* This is accomplished by giving each applicant the booklet, Virginia Social Services Benefit Programs, describing the assistance program(s) for which he is applying and fair hearing procedures at the time assistance is first requested. For recipients this is accomplished when the recipient receives a written notice at the time of any action, proposed or taken, affecting his claim.

In addition to the use of written material, the local agency worker has the responsibility of informing the client orally of the right to appeal to the State agency if he is dissatisfied with any actions of the local board or Superintendent or failure to act in relation to his eligibility or the amount of assistance. **The local agency must inform clients orally that if they have a disability that limits their ability to file an appeal, they are entitled to help from the local agency in filing the appeal.**

- B. Local agencies have an affirmative duty to provide information and referral services to help claimants make use of any legal services available in the community for representation in appeal hearings.
- C. In addition to advising applicants and recipients about the right of appeal and the hearing procedures, other interested persons and organizations are to be advised verbally and by use of the leaflets as indicated.
- D. All applicants and recipients must be informed of their right to request an appeal either orally or in writing.\*\*

## 105.2 FAIR HEARINGS

- A. Opportunity for a Local Agency Conference -

The recipient must be offered an opportunity, at the time the Notice to Client of Action or the Advance Notice of Proposed Action is issued, to request such an agency conference at which he must receive an explanation of the proposed action and must have an opportunity to present any information on which his disagreement with such action is based. At the conference the recipient may be represented by an authorized representative, such as legal counsel, relative, or friend.

Upon receipt of a request for such a conference, the local department must schedule the conference within 10 working days.

The recipient's failure to request a local agency conference or failure to appear at a scheduled conference has no effect upon his right of

\* 45 CFR 205.10(a)(3)

\*\* 22 VAC 40-295-110

appeal to the State agency within 30 days or upon his right to continued assistance if he appeals prior to the effective date of the proposed change, as specified in Subsection B.

**Note:** If the recipient did not receive an advance written Notice of Proposed Action or the notice received was not adequate, or due to disability-related reasons, the appeal was not filed within 30 days of the action, at the recipient's request financial assistance must be reinstated retroactively to the date of agency action and continued during the appeal process.

The local agency conference may or may not result in a change in the agency decision regarding action.

If the agency decision is not to take action or to take action different from that indicated on the advance notice, the recipient must be so advised by use of the Advance Notice of Proposed Action. Provisions of Subsection B again apply.

If the recipient is not satisfied with the agency action following the conference and wishes to request a fair hearing before the State agency, the local agency must give him the opportunity and, if necessary, provide assistance in filing an appeal. If an appeal is filed prior to the effective date of the change or within two days following the date of the conference, and validated by the hearing officer, assistance must be continued in the original amount until the hearing decision, unless there is a written request to refuse the continuation of assistance pending a decision.

If an appeal is not filed prior to the effective date of the change or within two days of the date of the conference, an appeal will still be valid if filed within the 30-day time limit; however, assistance will be adjusted in accordance with the proposed action.

B. Special Provisions with Respect to Termination or Decrease in Amount of Assistance

1. Advance Notice of Proposed Action - The Goldberg v. Kelly decision of the United States Supreme Court requires that in cases of any proposed reduction, termination, or suspension of assistance payments, written advance notice of the proposed action must be mailed to the recipient at least 10 days before the action is taken. In this context, "action" refers to the date of issuance of the reduced assistance check, or in cases of termination or suspension, failure to issue the check on the regular mailing date. In the computation of the 10 days the date the advance notice is postmarked shall not be included.
2. Provisions Regarding Continuation of Assistance - If a conference is requested within 10 days of receipt of the Advance Notice of Proposed Action, the proposed action will not be taken until a decision is made at the conference. If a hearing request is

received prior to the effective date of any proposed reduction in benefits or within two days following the date of the conference, assistance must be continued in the original amount without interruption until a hearing decision is rendered but is subject to recovery by the agency if its action is sustained. (Refer to 106.1 E) However, assistance will not be continued in the original amount if the recipient submits, in writing, a statement indicating his/her desire to refuse such assistance. When continuation of assistance in the original amount is declined by the recipient and the hearing decision is in the recipient's favor, the agency will correct the underpayment(s).

Note: A TANF recipient may receive match payments during the appeal process provided the case remains open. Receipt of TANF match payments is contingent upon collection of current child support by DCSE two months prior to the month a payment is issued. If the decision of the agency is upheld, only the TANF benefit amount is an overpayment.

In the event the hearing decision is adverse to the recipient, the method of collection is that prescribed for recoupment and recovery of overpayments set forth at Section 503.8.\*

The requirement for filing an appeal or requesting a local agency conference is met if the request for a conference is made within 10 days of receipt of the Advance Notice of Proposed Action or a fair hearing request is received by the State or local agency, or postmarked, by the effective date of the change. The same time frame for filing an appeal applies in situations where the assistance unit is homeless and it is agreed that all notices will be available to the client at the local agency.

Upon notification by the hearing officer, the agency shall inform the claimant in writing that assistance is being continued in the same amount pending the hearing decision unless there are subsequent changes in the claimant's situation. (Refer to 106.1 E)

The following procedures are established to assure that assistance is continued without interruption in every case where a recipient has filed a valid appeal prior to the effective date of the proposed change:

If the effective date for checks occurs more than 10 days but within 15 days of the date on which the Advance Notice of Proposed Action is mailed (excluding the date of postmark) and

- A. The proposed action is to terminate or suspend assistance, the assistance check is not mailed but must be available for same day issuance in the event an appeal is filed or a conference is requested within the 10-day advance notice period.

\* 45 CFR 233.20(a)(13)

- B. In cases of proposed action to reduce assistance, a check in the reduced amount is issued, but the difference between the reduced amount and the prior amount must be available for same day issuance in the event a timely appeal is filed or a conference is requested.

The 15-day period is provided to allow time for mail delivery and possible weekend or holiday delays in the event an appeal is filed or a conference requested toward the end of the advance notice period.

- B. The hearing will be conducted at a time, date, and place convenient to the claimant(s) and adequate preliminary written notice will be given. The hearing may be conducted via a telephone hearing or a teleconference if the applicant or recipient agrees.\* The claimant will be requested to advise the local agency immediately if the scheduled date or place is inconvenient for him, but, without such notification it is assumed the arrangement are convenient.

The local agency is responsible for assuring that the claimant has transportation to the hearing if he is unable to make his own arrangements.

When a claimant, for good cause, indicates that the scheduled date is not convenient, the hearing date may be extended. Reasons for extending the hearing date shall include, but not be limited to, illness **or a disability of the claimant or of a child or other member of the claimant's household for which the individual is responsible for care, which prevents the individual from participating on the scheduled date**, temporary absence from the locality, unavailability of claimant's legal counsel or witnesses. The State Agency will determine whether the provision of extension is being abused and reserves the right to set a date beyond which the hearing officer will not be delayed.

- C. The hearing is to be conducted in an informal atmosphere, and every effort will be made to arrive at the facts of the case in a way most conducive to putting the claimant at ease. It is the hearing officer's responsibility to assure that this is done, and he may, within his discretion, designate those persons who may attend the hearing or the particular portion of the hearing they may attend. He has full authority to recess the hearing or to continue it to another date in the interest of fairness.

D. Specific Hearing Procedures

1. Identification of those present for the record.
2. Opening statement by the hearing officer explaining the hearing's purpose, procedure to be followed, how and by whom a decision may be made and communicated to claimant and local agency, and the option of either party, if decision is made by the hearing officer, to request review of said decision by the Commissioner's appeals review panel.

3. The claimant and/or his representative shall have the opportunity to:
  - a. examine all documents and records which are used at the hearing;
  - b. present the case or have it presented by legal counsel or other person;
  - c. bring witnesses;
  - d. establish pertinent facts and advance arguments;
  - e. question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses;
  - f. introduce evidence regardless of whether such evidence was available to the agency worker at the time of the agency's decision.
4. The local agency will have the opportunity to clarify or modify its statements contained in the Summary and to question claimant, his representative or witnesses on the salient issue(s).
5. Evidence admissible at the hearing shall be limited to data having a bearing on the issue(s) on appeal. Such issues include those given by claimant at the time of his appeal and those given by the local agency as a basis for its action or inaction under appeal. No other evidence or issues shall be considered.
6. If the claimant was required by policy to produce documentation or verification of eligibility criteria and the agency acts upon the question of eligibility where the claimant has failed to produce such documentation or verification, the agency shall not be reversed upon the basis of such documentation or verification being produced by the claimant at the hearing and the claimant must reapply to have the evidence considered unless the agency:
  - a. Was responsible for securing the evidence or information, but did not.
  - b. Should not have acted without the evidence or information, or
  - c. Placed a demand on the claimant for evidence or information that was beyond the capacity of the claimant to provide.

Approval of a reapplication shall not be retroactive to the prior reduction, denial or termination of assistance.

- E. When the issue on appeal is of a medical nature (e.g., concerning a diagnosis, an examining physician's report, or a VR Disability Determination Unit decision), the hearing officer may request a medical assessment by some one other than the person(s) involved in making the original examination. Such an assessment will be obtained at local agency

expense from a source satisfactory to claimant and will be made a part of the hearing record.

- F. Prior to the hearing, any material from the eligibility case record must be made available, upon written request, to claimant and/or his representative. The service case record shall not be introduced at the hearing; except that any material pertinent to the issue on appeal shall also be available, upon request, to claimant and/or his representative prior to the hearing. It is within the discretion of the hearing officer to designate what is pertinent to an issue on appeal and admissible as evidence during the hearing, including the entire case record if appropriate. **However, where an appellant claims that his disability, or that of a household member for whom the claimant is responsible for care was the reason the individual was unable to comply with a program rule, information concerning the individual or family member's disability in the appellant's case must be considered pertinent to the hearing, and must be considered by the hearing officer.**

Where an individual raises his disability, or that of a household member for whom the claimant is responsible for care, as the reason for non-compliance with a program rule, and the individual did not bring documentation to the hearing in support of this position, the hearing officer should offer the individual a reasonable amount of time to obtain documentation supporting this claim. If the individual is unrepresented at the hearing or represented by a lay person and the individual is unable to obtain verification, the hearing officer must direct the local agency to assist the individual in getting such documentation.

- G. If, during the hearing process, need for adjustment in eligibility or payment status in favor of claimant becomes evident, reconsideration or modification of the former decision will be made by the local agency.

The case record must be documented to reflect the method used to arrive at the anticipated income.

Eligibility must be determined for each month of the application period. Applicants may be ineligible for the month of application and eligible for the month following the month of application. Benefits must be denied for the month of application in ADAPT and granted for the month following the month of application.

Example #1: - On November 17, the worker processes an application dated October 29. Based on converted income received in November, the case is not eligible; however, the case will be eligible for a December payment. Therefore, the case is to be approved effective December 1.

Example #2: - On July 14, the worker processes an application dated June 1. The application was not processed within the 30-day application processing time frame due to a delay by the examining physician in supplying necessary medical information. Verification is received July 13, the worker determines that the case is eligible. The worker approves the case with July 1, as the beginning date of assistance.

Example #3: - On December 6 the worker receives all necessary verification to process an application dated November 3. The assistance unit received a lump sum insurance settlement on December 2; the assistance unit (AU) has no other countable income. The AU is not eligible for the month of application; verification not provided timely. The AU is ineligible for December; lump sum exceeds the standard of assistance. The applicant provides verification showing all monies from the lump sum has been used. The beginning date of assistance for this application is January 1.

Example #4: - On December 12, the worker processes an application dated November 3. The case is eligible for a December payment but ineligible for a January payment. A payment is to be issued for December, and the case is to be closed effective December 31.

#### C. Verification of Income (Earned and Unearned)

In order to establish income eligibility, verification of all income received or anticipated to be received monthly by the assistance unit is required at the time of application/reapplication, when adding individuals with income, at renewals, and when a change becomes known to the agency. When verification is required, the agency must notify the applicant/recipient of the necessary verification and allow the assistance unit 10 days to respond. The assistance unit has primary responsibility for verifying income; **however, if needed, the worker must assist the household in obtaining any necessary verifications.**

The assistance unit is not responsible for providing verification of reported unearned income for which verification is accessible to the local agency through systems of records. These records include Bendex, SDX, SVES and VEC inquiry of unemployment benefits. If the applicant/recipient fails to verify income within 10 days of notification, policy at [401.2.B.1. and 2.](#) regarding substantiation of eligibility factors is to be followed. Verification may be verbal or written in accordance with [Procedures](#) Section VII.



If an individual has a disability that limits his ability to provide verification, the worker must inform such individual that the worker can help obtain any necessary verification, and if the individual requests help, or help was needed but not offered or provided, the agency cannot thereafter impose adverse actions related to the particular incident, on the basis that the individual failed to provide the verification in a timely fashion.

When verbal verification is obtained, the case record documentation should include the name and telephone number of the individual who provided the information, the date of contact, and the information obtained.

The Food Stamp Act of 1997 requires that each applicant who is applying for TANF and also wishes to apply for food stamps must be allowed to do so in one interview if all members of the TANF assistance unit will be the same as those individuals who comprise the food stamp household.\*

All applications for TANF, except on those on which the household has indicated that it does not want food stamps, shall be regarded as food stamp applications. (At application the household will indicate if it does not want food stamps.) If the household's intention to apply for food stamps is unclear, the local agency shall determine at the interview, or in other contact with the household, whether or not the household wants to apply for food stamps. The local agency shall conduct a single interview at initial application for both TANF and food stamps purposes. TANF households shall not be required to see a different eligibility worker or otherwise be subjected to two interview requirements to obtain the benefits of both programs. (Refer to the Food Stamp Certification Manual, Volume V, Part II, H.)

- B. Where/How Applications are Made - **Application forms must be made freely available to the public upon request.** The request for assistance must be made at the local department of social services in the county/city in which the applicant resides on either a permanent or temporary basis. The application is usually completed in the local department and an intake interview conducted.

**Any individual** may request that an application be mailed to him. This must be done. An applicant may also file the TANF application by fax or other electronic means to the extent that the local agency can receive such a filing. In these situations the applicant must be advised that an interview with an eligibility worker is required in order to complete the processing of the application. This interview must be scheduled at the earliest date convenient to the applicant and may be conducted either in the local department or in the applicant's home, whichever is more feasible. **Any individual also may request an application on someone else's behalf. If an individual requests an application on someone else's behalf, the local department must provide an application to the individual or mail the application directly to the person on whose behalf the application has been requested.**

- C. Definition of Applicant\*\* - In TANF, the applicant is the parent or relative of specified degree with whom the child is living who has, either directly or through an authorized representative, made application for assistance and whose eligibility has not been determined. An authorized representative must be at least 18 years of age and must have sufficient knowledge of the applicant's circumstances to provide the necessary information. The authorized representative is usually a spouse, a guardian, or another relative who is able to provide the essential information. If there is doubt about whether an individual has been authorized to act on behalf of the applicant, the applicant must be contacted to verify that she/he wishes the other person to act for her/him and a signed statement must be obtained from the applicant and filed in the case record.

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\* 7 CFR 273.2(j)

\*\* 45 CFR 206.10(b)(1)

An applicant may be assisted in the various aspects of the application process, if he so desires, by an individual(s) of his choice (who need not be a lawyer) and may be accompanied or represented by such individual(s) in subsequent contacts with the agency.\*

\* 45 CFR 206.10(a)(1)(iii)

- D. Who Completes the Application - If an individual is able to complete the application him or herself, the individual should do so. However, the local agency must assist individuals who have disabilities or language barriers who need assistance filling out the application. This help may consist of reading the application to the individual, explaining the meaning of the questions on the application, writing in the answers, or providing other forms of help. The local agency must inform all applicants verbally that this help is available when the DSS office provides the individual with the application, and must offer this assistance during the interview if there is an indication that the individual has had difficulty completing the application. If the individual needs help completing the application, this help must be provided. If help is needed, the interactive interview must include time to read each section of the application to the applicant, with sufficient explanation and rephrasing to make the meaning clear. During the interview the eligibility worker will enter the information provided into the ADAPT system.

After the interview is completed, the information entered must be reviewed with the applicant. The eligibility worker must also read and explain to the applicant/spouse the statements pertaining to the applicant's responsibilities. Only the signature of the person making the application is required. The signature of the spouse should be obtained if possible but the absence of the spouse's signature will not negate the validity of an application. Additionally, when a minor parent requests assistance for her child and her parent(s), the signature of the minor parent's parent(s) or person standing in loco parentis should be obtained if possible but the absence of this signature will not negate the validity of the application.

If the applicant wishes to change any of the information he has provided or any information as it appears on the application, the worker must make the change in the ADAPT system.

When the application is completed by an authorized representative, it must be signed by such individual. The worker must also explain the responsibility for providing accurate information and the penalties for withholding or providing false statements.

- E. Time Standard for Processing Application - The local agency must provide assistance units that complete the initial application process a decision on their application within 30 calendar days following the application filing date. This time standard covers the day following the date of receipt of the signed application to the date the assistance check or the notification of denial of assistance is mailed to the applicant. (The applicant must be informed of the time standard at the time of application.)

1. Exception to the 30 day processing standard may apply when:
  - a. the applicant has limitations that hinder him from securing verifications. In this instance the local agency must assist the applicant in securing verifications. The BDOA will be the first of the month following the month of application.
  - b. an emergency beyond the agency's control occurs - If an agency delay occurs, and the application was otherwise eligible, the BDOA must be the date of application.
2. At no time should the application remain pending beyond 60 days.

If action is not taken within the time standard, the case record must show the cause for delay and the applicant must be notified via the notice of action of the status of his application, the reason for delay and his right to appeal.

## 401.2 INITIAL DETERMINATION/REDETERMINATION OF ELIGIBILITY -

Methods for initial determination and redetermination of eligibility shall be consistent with the objectives of the program and shall respect the rights of individuals under the U. S. Constitution, the Social Security Act, Title VI of the Civil Rights Act of 1964, and all other relevant provisions of the State and federal law.\*

A. The Intake Interview -

Each determination of eligibility will include a personal interview with the applicant/recipient, or the caretaker-relative of the needy children. The number of interviews will depend on the individual situation. The interviews are scheduled with the least possible delay on the basis of joint planning by the client.

If an applicant is unable to come to the local agency for an interview, the agency may waive the in-office interview and conduct a phone interview, home visit, meet elsewhere, or interview an authorized representative. The agency must waive the face-to-face interview on a case-by-case basis depending on individual circumstances that include, but are not limited to, disability, illness, care of a household member, hardship due to residency in a rural area, prolonged severe weather, work or training hours during normal agency office hours, situations where residents of shelters for battered women and children would be endangered if they were to leave the shelter, or transportation difficulties. The local agency must determine if the reason for the request warrants a waiver of the office interview. The agency must document the case file if it grants or denies a request for a waiver.

The setting that is chosen for each interview is that which best serves the purpose of the interview and is most satisfactory for the applicant/recipient and the agency.

If the applicant formerly applied for or received assistance, the worker should familiarize himself with the content of the record before the interview, in order to plan for a helpful and appropriate interview.

The purposes of the interview are:

- (1) To make certain that information provided is complete and accurately represents what the applicant wants to say about his circumstances.
- (2) To ensure that the request for assistance includes the parent(s) and all minor siblings (both natural and adoptive) living in the home with the dependent child(ren) for whom assistance is requested.
- (3) To determine what information provided needs further substantiation and what, if any, additional information or substantiating evidence is needed to establish eligibility.

\* 45 CFR 206.10(a)(10)

- (4) To obtain the additional information needed for a decision as to definitive eligibility.
  - (5) To explain to the applicant the provisions of the Division of Child Support Enforcement and the right to claim good cause for refusing to cooperate. The worker must also explain provisions regarding continued DCSE services following the termination of assistance.
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- (6) To explain to the applicant his rights and responsibilities.
  - (7) To inform the applicant of the services the agency provides.
  - (8) To inform the applicant that he may be selected to participate in an audit for a complete verification of information.
  - (9) To inform the applicant(s) of the family cap provision.
  - (10) **To ensure that any necessary help is provided to individuals who might otherwise have difficulty completing the application for literacy, language, or disability-related reasons.**

B. Substantiation of Eligibility Factors

1. Initial Eligibility

The applicant must be advised of the need to substantiate the eligibility factors (e.g., categorical requirements and income) and that he may have in his possession the necessary evidence to establish eligibility. The responsibility of the eligibility worker is to secure, evaluate, substantiate, and record the facts regarding each element of eligibility, including the date of substantiation and the method of securing the information. This information must be entered into the applicant's ADAPT case file to the extent possible. In addition, the worker must complete the Permanent Verification Log (032-03-823A) and either the Evaluation of Eligibility Form (032-03-823) or the ADAPT Verification Form (032-03-366) to record all other information obtained in evaluating eligibility and the benefit amount.

At the time of application, there should be a joint decision between the client and the worker as to how necessary verification will be secured and who will assume the responsibility for securing each. **The worker must provide any assistance unit, that needs and wants help, assistance in obtaining any necessary verifications. If the individual has a disability that impairs the individual's ability to gather the information necessary to establish eligibility for benefits, the worker must offer to assist the individual in gathering such information. In addition, if after the worker and applicant initially divide the responsibility for obtaining verification the applicant is, due to a disability, unable to secure information he or she agreed to obtain, the worker must revise the initial division responsibility and assist with obtaining additional information.**

If, after advising the applicant of the necessary information, the applicant is reluctant or unwilling to provide verifications and refuses to permit the worker to secure them, the worker must consider carefully with him his reasons and explain that without the required verification, eligibility cannot be established. Exception: If the client is unable or refuses to provide verification of categorical requirements for a child who is required to be included in the assistance unit or if the child does not meet the conditions of eligibility, that child will be excluded; however, it may be possible to determine eligibility for the remaining assistance unit members.

If the client decides to assume the responsibility for obtaining the required verification, he must be advised that the information must be provided to the agency within ten (10) days and that failure to do so may affect the decision of eligibility. If the client cannot obtain the necessary information, because of circumstances beyond



his control, and requests the worker's assistance in securing such information, the agency worker must then assume the responsibility for obtaining the needed verification.

When the responsibility for obtaining verification has been assumed by the worker, the client must be advised that if the agency or person from whom verification has been requested does not respond to the request, eligibility cannot be established. In these situations, the Notice to Client of Action must be sent and the case record documented to reflect attempts made to obtain verification. Copies of all relative correspondence must also be in the case record.

If eligibility is established within the original 30-day processing time, the original application date is protected when an application is denied as a result of lack of required verification. The initial application date must be used if subsequent information substantiates the applicant's eligibility. (See 401.3.F.5.)

## 2. Ongoing Eligibility

When changes occur within the renewal period that affect eligibility or benefit amount, the agency must evaluate the change and take action to adjust the benefit amount, if necessary. The responsibility for changes lies with both the recipient and local agency. The assistance unit must report changes in income and assistance status. Unless exempt, ongoing cases are subject to interim reporting requirements and must file an Interim Report about their circumstances between renewals. The agency must make adjustments in entitlement and benefit amount based on reported changes and for changes the agency initiates.

### a. Changes That Must Be Reported

- 1) The following changes must be reported by the assistance unit following case approval:

- Changes in address (a new physical or mailing address); and
- Changes in income that place the monthly income of the assistance unit (composition at approval or most recent renewal) above 130 percent of the federal poverty level (FPL).
- That an eligible child has left the home.

Assistance units must report the changes listed above within 10 calendar days from the date the unit knows of the change, but the report is timely if reported by the tenth of the following month. The 10-day period begins the day the change becomes known to the assistance unit. If the assistance unit is uncertain of the exact date or the exact amount of income that has changed, the 10-day reporting period begins the day the change occurs. The

change may be reported on the Change Report form, by telephone, face-to-face, by mail, or electronically.

The unit may also report a change of its circumstances with the filing of the Interim Report. Changes may be reported by an assistance unit member or any person having knowledge of the assistance unit's circumstances. When the report is made by mail, it may not reach the local agency within the 10-day period. The assistance unit will have met the reporting requirement if the letter is postmarked within the 10-day period. Substantiation of eligibility factors or verification of any change requested by the worker must be provided by the recipient as soon as possible but no later than 10 days from the date the information is requested.

2) Local Agency Action on Changes

The agency must act promptly to terminate or to adjust benefits when changes in the assistance unit's circumstances or income are reported by the recipient, including information about an impending change reported at application.

The TANF case must reflect the following changes:

- changes reported by the assistance unit;
- changes put into ADAPT to meet reporting or policy requirements of another program;
- changes to prevent duplicate receipt of benefits; and
- changes that are considered verified upon receipt, such as notification by the foster care worker that a child has been removed from the home and placed in foster care.

Other information may become known to the agency through other means than listed above. If the change is one that the assistance unit was required to report, the agency must act on the information. If the change is a change that was not required to be reported, the agency must hold the information and evaluate it at the next interim report or renewal, whichever comes first.

Action will be taken according to Section 305.1, page 11.

- b. Substantiation of Eligibility - The recipient must be advised of the need to substantiate eligibility factors whenever a change is reported. When changes that affect eligibility or payment amount occur after the case has been approved, the responsibility for the change lies both with the recipient and the local agency.

If required verification is not obtained or provided in time to prospectively determine eligibility for the next payment or to complete a redetermination by the due date, continuing eligibility cannot be determined and the case will be suspended for one month only. If verification is still not provided, the case will be closed for the month following the month of suspension. (See 401.3.G.4.)

If verification is provided after the action to suspend has been taken, the worker will reinstate assistance for the month of suspension, if appropriate. Or, if verification which establishes continued eligibility is provided after action to close has been taken but before the effective date of closure, the worker will reinstate assistance effective with the month closure was to occur.

- c. Adding Persons Required To Be in the Assistance Unit - The assistance unit must report a new unit member when completing a renewal or Interim Report. If a new unit member enters the home between renewals or Interim Report filing, the report is considered timely provided the individual entered the home after the most recent renewal or Interim Report was completed.

The change to add a person required to be in the assistance unit must be made by the agency within 30 days following the date the new member was reported.

- 1) Eligibility for Payments - Once the agency has secured verification of categorical requirements and conditions of eligibility have been met, the individual's needs and income are to be included in determining eligibility and the amount of future payments.

If verifications and conditions of eligibility are substantiated within the 30-day time frame for adding persons or the 30-day period has passed and the agency can document that the delay in providing categorical verifications/meeting eligibility conditions was due to good cause (beyond the assistance unit's control), payments beginning with the date the change was reported must be recalculated considering the individual's needs and income.

Regardless of whether the new individual's presence is reported timely, if the required categorical verifications are not provided or the conditions of eligibility are not met until after the 30-day time frame established for adding the individual, and the delay was not due to good cause (beyond the assistance unit's control), eligibility for retroactive payments is to be determined beginning with the date the last required verification was received by the agency or condition of eligibility was met. Any underpayments identified must be corrected.

The above procedures will require the proration of the first month's assistance in most instances. (Refer to Section 502.2.A.)

NOTE: Refer to 201.12 for the family cap provision which affects newborn children, some adopted children, and the child subject to the family cap provision who moves back into a parent's home.

- 2) Repayment of Overpayments - If the new individual was not reported timely, overpayments may exist. Follow procedures in Section 503.7.G. to calculate the amount overpaid.

Example: A parent enters the home on October 15 but is not reported to the agency until January 8 of the following year. The last renewal was completed in November, one month after the parent entered the home. All months beginning with the month after the parent entered the home must be evaluated for possible overpayments.

- d. Adding Other Persons - A request to add an individual not required to be in the unit, such as a caretaker-relative other than a parent or EWB, will be processed within the normal 30-day application processing time frame, with eligibility effective no later than the month following receipt of the request per Section 401.1.I.

3. Evaluation of Reported Information - To ensure the applicant/recipient has provided all information necessary for the worker to make a proper determination regarding eligibility, every element on the SOF must be discussed with the client at each application or renewal.

Additionally, when a change is reported by the client, all elements related to the change must be reviewed to ensure continuing eligibility exists.

When statements, either written or verbal, made by the client are deemed questionable, further evaluation of the client's circumstances is required. Questionable information will include, but is not limited to, statements which are:

- a. incomplete or unclear;
- b. inconsistent with statements previously made by the applicant/recipient;
- c. inconsistent with information known by the local agency.

4. Income v. Expenses - In situations where it is obvious the client's monthly expenses exceed verified income, the worker shall discuss with the client how monthly expenses are being met. The worker may not require verification of the client's expenses as a condition of

eligibility. Furthermore, assistance may not be denied or terminated based solely on statements made by the client. Rather, the worker shall take this opportunity to explore the client's situation to determine if unreported income is available which allows the assistance unit to meet monthly expenses. The case record must be clearly documented to accurately reflect the client's substantiation of his/her situation. If the worker and the client are unable to resolve the client's circumstances, attempts to do so must also be documented in the case record. It is important to remember, however, that assistance can only be denied/terminated when income is uncovered which, when verified, exceeds prescribed limits or when the client acknowledges he has unreported income but refuses to verify the source and/or amount.

5. Follow-Up on Suspected Unreported Income - When the agency has reason to believe that a recipient is receiving income that has not been reported, the eligibility worker will follow-up on obtaining information to substantiate the recipient's circumstances. Community complaints, expenses exceeding income, a history of not reporting, and cases with individuals living with the assistance unit whose income would be deemed available are examples of the situations which may indicate the need to solicit additional income information. Forms are available in ADAPT that may be used for this purpose. The case record must be documented regarding the agency's reason for sending the income form. However, the income form is not an eligibility requirement; therefore, negative action cannot be taken for failure to return the form. If the agency chooses not to use the income form, the case record must contain documentation of the attempts to clarify the possibility of unreported income.
- C. Face-to-Face Interviews - **Unless waived**, a face-to-face interview by the eligibility worker is required at the time of initial determination and at least every 12 months thereafter. The face-to-face interview shall be used to obtain verification and to secure information necessary to complete the application/redetermination process. The interview may be conducted in the office of the local agency, the home of the applicant/recipient, or a place agreeable to both parties. Home visits may be deemed necessary or appropriate by the local department.

- s. Upon receipt of a notarized acknowledgement of paternity form, notify the applicant/recipient that paternity has been established.
- t. The applicant/recipient must be advised that if any individual who is included in the A.U. does not have a SSN it must be provided or proof of application must be provided.
- u. The applicant/recipient must be advised that when current support, greater than \$50, is being collected by the Division of Child Support Enforcement, the TANF recipient may receive a TANF Match Payment per Section 304.4.
- v. Provisions regarding continuation of DCSE services following the termination of assistance.
- w. The provisions described in Section 401.1.A. regarding the single interview and joint application process for TANF and food stamps must be explained to the applicant/recipient.
- x. Provisions for transitional child care benefits per Section 401.7.
- y. In situations where the assistance unit is homeless, the worker must explain the need for the caretaker to keep in contact with the local agency and/or frequently check the mutually agreed upon destination where correspondence and checks will be mailed. The case record must be documented to reflect where the unit wants to receive notices and checks.
- z. Provisions of the family cap policy per Section 201.12.
- aa. 60-month limit on receipt of TANF provision.
- bb. The applicant/recipient's right to voter registration services in accordance with the National Voter Registration Act of 1993. Refer to Appendix II of Chapter 400 for applicable policy.
- cc. **Information on the right to disclose a disability to the agency, and the benefits of doing so by providing the form, "Do you have a disability? (032-03-670).**
- dd. **The fact that applicants and recipients with disabilities are entitled to reasonable accommodations in all aspects of the TANF program, including:**
  - 1. **Help filling out the application, gathering documents and verifying information establishing eligibility for benefits;**
  - 2. **Modifications to program requirements if necessary;**

3. **Help with filing appeals or grievances if needed as the result of a disability;**
- ee. **The fact that the individuals with disabilities should request reasonable accommodations if they feel they need them.**

The worker must explain that certain contacts, when appropriate, require written consent (i.e., doctors, banks, etc.).

In addition to being given the above information orally, the applicant must be given the "Temporary Assistance Programs" booklet (Form #032-01-002), the "Virginia Medicaid Handbook," and the "Child Support and You" booklet (Form #032-01-945). A recipient who indicates at the time of the review that he does not have a copy of the Temporary Assistance Programs booklet must be given a copy.

#### 401.6 IMPACT ON MEDICAID

See the Medicaid Manual, Volume XIII, to determine Medicaid eligibility for TANF applicants/recipients.

#### 401.7 TRANSITIONAL CHILD CARE BENEFITS

When a case is closed to TANF, ADAPT generates a notice of potential eligibility for transitional child care which is sent to the agency PID dedicated to print service notices. The agency is responsible for mailing the notice to the client and filing a copy in the case folder.

Refer to the Services Manual, Volume VII, Section II, Chapter D, to determine eligibility for transitional child care.

#### 401.8 REFERRAL FOR VICTIMS OF FAMILY ABUSE

When the eligibility worker learns about a situation where an applicant/recipient of TANF may be a victim of family abuse, the individual should be referred to local resources for supportive services. If local resources are not available, the Family Violence Hotline number, 1-800-838-8238, should be given.

Family abuse is defined in the Virginia Code of Section 16.1-228 as "any act of violence, including any forceful detention, which results in physical injury or places one in reasonable apprehension of serious bodily injury which is committed by a person against such person's family or household member".

- D. Support Related Overpayments - When an overpayment occurs which is the result of the client's failure to redirect support, the client's needs are not to be removed for purposes of calculating the overpayment.
- E. Income Related Overpayments - The local agency must determine the correct amount of the payment the assistance unit should have received for those months the assistance unit actually received an overpayment.\* Using conversion factors of 4.3 and 2.15, if appropriate based on Section 305.1.B.2.b, screen the income at 185% and at the standard of assistance to determine the monthly payment amount. In cases involving changes required to be reported or payments made pending an appeal decision, the local agency must determine the month that the overpayment initially occurred and all other months as follows:

1. If, due to a misunderstanding or inadvertent error on the part of the assistance unit, an assistance unit failed to report a change in its circumstances within 10 days of the date the change became known to the assistance unit, the first month of an overpayment will be the first month in which the change would have been effective had it been reported in a timely manner.

**The local agency may not determine as the first month in which the change would have been effective, any month later than two months from the month in which the change in income occurred, unless it is determined that a verified disability affected the person's ability to understand the reporting rule. In that situation the local agency worker has the discretion to determine that the overpayment began at the time that the agency first learned about the overpayment or first determined that it had failed to act upon information correctly provided by the individual.**

2. If the assistance unit reported a change within the prescribed time limits, but the local agency did not act on the change timely, the first month affected by the local agency's failure to act must be the first month the local agency should have made the change effective. Therefore, if an advance notice was required but was not sent, the local agency must assume that the maximum advance notice period as provided in Section 401.4.C would have expired without the assistance unit requesting a fair hearing.
3. If prospectively ineligible, the full assistance payment is an overpayment.
4. If the prospective determination renders the case eligible, calculate each month's overpayment and apply earnings disregards as indicated in Section 503.7.C., if applicable.

- F. Overpayments Not Related to Income - If an overpayment is the result of any factor other than income, the overpayment is to be based on the actual circumstances of the case each month.

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\* 45 CFR 233.20(a)(13)



- C. Individuals unable to participate because of a temporary medical condition that prevents entry into **at least 8 hours per week** of employment or training, as determined by a physician **or other qualified professional**. (The Virginia Code Section 8.01-581.1 defines physician as "a person licensed to practice medicine or osteopathy in this Commonwealth..." This definition of physician applies in exemptions F and H below also.) The individual must provide the local agency a written statement from the physician to specify that he is incapacitated, the nature and scope of the incapacity, including abilities and limitations of the individual, and the duration of the incapacity. **If the individual does not have a physician, the agency will arrange for the individual to receive an evaluation from a physician.** (The Medical Evaluation Form (032-03-654) is to be used for this purpose). **If unable to secure a medical evaluation, refer the individual for VIEW participation and further evaluation will occur as part of the VIEW assessment. VIEW funds may be used to evaluate the exemption from VIEW.**

If the physician indicates that the individual is able to participate in employment or training but is limited in the types of activities that can be performed, **the individual cannot do work activities full-time, is limited in the types of activities the individual can do, or the hours in which individual can do them** the eligibility worker must refer the individual for participation in VIEW **and share the information with the ESW so suitable accommodations can be arranged.** The employment services worker must work with the individual to find suitable work activities, taking into account any limitations indicated by the physician. **The agency shall ensure that reasonable accommodations are made.**

If the individual is unable to participate because of a temporary medical condition that prevents entry into **at least 8 hours per week** of employment or training, the eligibility worker must reevaluate the exempt individual's incapacity at the time prescribed by the medical statement.

If there are two parents in the assistance unit and one parent meets this exemption, the case is a TANF case rather than a TANF-UP case.

- D. Individuals who are incapacitated, as determined by receipt of Social Security Disability benefits or Supplemental Security Income. The eligibility worker must refer persons with a permanent incapacity to vocational rehabilitation using the Referral to Rehabilitative Services form (032-03-302). Only one referral is necessary and no follow-up is required. This exemption cannot be granted to either parent in a TANF-UP case. If there are two parents in the assistance unit and one parent meets this exemption, the case is a TANF case rather than a TANF-UP case.
- E. Any individual 60 years of age or older.
- F. An individual **who is needed on a substantially continuous basis to care for a member of the household for whom the individual is legally responsible.** The household member must have a verified disability. The

individual must have care-taking needs that prevent the individual from participating in work activities. "Care-taking needs" that prevent the caregiver from participating in work activities include the need for attendance, supervision and home care, and other needs related to the household member's disability. A physician must verify the household member's condition, and the need for the individual to be available on a substantially continuous basis. If the documentation does not result in exemption from VIEW, the documentation must be forwarded to the VIEW worker.

- G. A parent or caretaker/relative of a child under eighteen months of age who personally provides the care for a child.

In a double caretaker assistance unit in which one parent is incapacitated, the eligibility worker must refer the other caretaker for participation unless he can provide a written doctor's statement indicating that the incapacitated caretaker is unable to care for the child under eighteen months.

When the minor parent and her child are included in the same unit with the minor's parent, only one of these individuals can receive this exemption on the basis of caring for the minor's child. The individual who is actually providing care will be exempt.

NOTE: A parent who gives birth to a child subject to the family cap provision (refer to Section 201.12) may be granted a temporary exemption of not more than six weeks after the birth of the child.

- H. A female who is in her fourth through ninth month of pregnancy as evidenced by a written medical statement provided by a physician, a registered nurse who is the physician's designee, or a licensed nurse practitioner.\*
- I. A child receiving Title IV-E Foster Care.
- J. Any member of an assistance unit where the primary caretakers of a child or children are grandparents, foster parents or other relatives of specified degree who are not the adoptive or biological parents of the child.

NOTE: Unlike the Employment Services Program where a person whose needs were removed from the grant is not required to participate, in the VIEW Program a parent whose needs are removed from the grant must participate, unless otherwise exempt. Reasons why the parent's needs have been removed from the grant include, but are not limited to, noncooperation with DCSE, disqualification for IPV violation, convicted drug felon, or failure to provide a Social Security Number. In addition, a parent whose needs are not included in the grant due to the stepparent deeming requirements, 305.4.F., or due to the sponsored alien deeming requirements, 305.4.D., must participate in VIEW, unless otherwise exempt. A parent who does not meet TANF categorical requirements (e.g., - parent is an SSI recipient or a parent who is a convicted offender serving his sentence while still living in the home) is not required to participate in VIEW.

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\* Code of Virginia, §63.2-609

TANF-UP - In a TANF-UP case, both parents must be referred for participation, unless one meets an exemption; only one parent can be exempt. If both parents meet an exemption criterion, they must decide who will be referred for participation. If the household's situation changes and the recipients wish to change the VIEW participant, they may do so upon request and after advisement from the ESW or EW. Exception: The recipients may not switch VIEW participants in order to avoid or cure a sanction.

When both parents are under the age of 18 they are exempt. However, they may volunteer until they attain the age of 18.

Volunteers - Recipients who are exempt from VIEW may volunteer to participate in VIEW. Recipients of SSI benefits are ineligible for inclusion in the TANF assistance unit; therefore, they cannot volunteer to participate in VIEW. The eligibility worker must advise all volunteers that once they enter VIEW by signing the Agreement of Personal Responsibility they **have the same rights and responsibilities as** mandatory participants. **As voluntary participants, however, they can withdraw from the VIEW program without penalty at any time within the twelve-month trial period and therefore cannot be sanctioned for failure to comply with VIEW program requirements unless they elect to continue in the VIEW program after the twelve-month trial period.** If the volunteer cannot meet his obligations, the worker should discuss with the volunteer the option of ending VIEW participation by becoming exempt. A former VIEW volunteer whose TANF case is closed may reapply for TANF and, assuming he continues to be exempt from VIEW, he may once again volunteer to participate in VIEW with a new twelve-month trial period; however, he must not be referred to VIEW nor can he receive the VIEW enhanced disregards until his new TANF application has been approved.

Non-parent caretakers who meet the financial requirements of Section 304.2 and are included in the assistance unit may volunteer to participate in VIEW. They may continue to be eligible until their monthly income exceeds the current poverty level for one person.

901.3 RESPONSIBILITIES OF THE ELIGIBILITY WORKER - Regarding VIEW, the eligibility worker must:

- A. Explain the exemption criteria to all applicants at application and to recipients at redetermination, and their obligation to report changes affecting their status. The recipient must provide information and verify all reported changes in exemption status. The eligibility worker must change the exemption status in the month in which the change is verified. Note: Changes that result in a status change from exempt to non-exempt which are reported late, do not constitute an overpayment.
- B. Screen for VIEW status and refer recipients for VIEW participation, when appropriate, and use the appropriate system VIEW status codes (Refer to ADAPT field help on AEGNFS).
- C. Explain the requirements of the VIEW Program and the related supportive services to all applicants/recipients at application and redetermination. Information should also cover the transitional child care, transitional transportation, and transitional Medicaid benefits available when the TANF case closes. All applicants and recipients, including non-parent caretakers in the assistance unit, who are not mandatory must be offered the opportunity to volunteer for the VIEW Program.

- D. Advise all applicants/recipients of the sanctions/penalties that apply for failing/refusing to participate in VIEW, without good cause. The VIEW worker will evaluate good cause.
- E. Refer those individuals who have been determined to be exempt from participation on the basis of incapacity to the appropriate state vocational rehabilitation agency using the Referral to Rehabilitative Services Form. The eligibility worker should provide available medical and other appropriate information with the referral.
- F. Review the individual's exempt/non-exempt status when changes are reported and as a part of the TANF eligibility redetermination process, unless the eligibility worker determined the individual to be 60 years old or older, or permanently incapacitated.
- G. Advise applicants/recipients who are exempt from VIEW that they may volunteer to participate in VIEW, **unless they are SSI recipients. Advise all volunteers that once they enter VIEW by signing the Agreement of Personal Responsibility that they have the same rights and responsibilities as mandatory participants. As voluntary participants, however, they can withdraw from the VIEW program without penalty at any time within the twelve-month trial period and cannot be sanctioned for failure to comply with VIEW unless they elect to continue in VIEW after the end of the twelve-month trial period.**
- H. Make appropriate changes in the computer system which affect the individual's VIEW status. The VIEW worker will be notified via the computer system of these changes. This includes, but is not limited to, the individual's:
1. Being removed from the assistance unit;
  2. Obtaining employment;
  3. Losing his employment;
  4. Changing his exemption status (e.g., changing from exempt to non-exempt and vice versa);
  5. Moving from one locality to another; or
  6. Having a VIEW sanction lifted when advised by the VIEW worker or when a sanctioned individual becomes exempt after the minimum sanction period has elapsed.
- I. Upon notification from the VIEW worker indicating that a non-exempt individual claims to be exempt, verify the exemption claim and notify the VIEW worker of the findings within thirty (30) days. If the eligibility worker is unable to verify an exemption claim, the individual will continue in non-exempt status in VIEW until verification is received.
- J. Sanction the TANF case by suspending the grant based on the VIEW worker's recommendation.
- K. Close the TANF case upon receipt of information from the VIEW worker that the recipient has refused to sign the Agreement of Personal Responsibility.
- L. Obtain verification and impact the assistance payment when a recipient obtains employment.

- M. Send the Advance Notice of Proposed Action to the recipient at least sixty days prior to the case termination effective date when the 24-months time limit is to expire.
- N. Upon notification from the VIEW worker indicating that the VIEW participant is being placed in a Full Employment Program (FEP) placement, suspend the TANF payment per 901.14. The eligibility worker must conduct a prospective determination of eligibility in the last month of the FEP placement.

901.4 RESPONSIBILITIES OF THE VIEW WORKER - The VIEW worker must:

- A. Have the recipient sign the Agreement of Personal Responsibility.

Note: Explain IPV (Intentional Program Violation) reporting requirements and penalties to the participant. Have the client sign the Notice of Intentional Program Violation Penalties. This form may be located on the local agency DSS Intranet site ([www.localagency.dss.state.va.us](http://www.localagency.dss.state.va.us)). Give a copy to the client and place a copy in the VIEW record. See Section 102.\*

- B. Enter the date that the Agreement of Personal Responsibility is signed in ESPAS on the VIEW assessment record.

NOTE: This trigger will start the participation counter in VACIS that tracks the 24 months of TANF eligibility.

- C. Advise the eligibility worker of the non-exempt recipient's refusal to sign the Agreement of Personal Responsibility, if applicable.
- D. Determine in which component(s) an individual must participate and whether he complies.

The VIEW Program consists of the following components listed in priority order:

1. Unsubsidized private sector employment - full, part-time, or temporary;
  2. Subsidized full-time employment (Full Employment Program);
  3. Community work experience - jobs selected to provide the recipient with skills and serve a useful public purpose.
- E. Report to the eligibility worker, within five working days, any changes which financially impact the recipient, which have occurred in the VIEW activities of the TANF or TANF-UP recipient such as securing of employment or entering the Full Employment Program.
  - F. Advise the eligibility worker that a case is to be sanctioned and the appropriate sanction period.
  - G. Advise the eligibility worker when participation begins again so the eligibility worker knows when to remove the sanction.

\* 2002 Acts of Assembly, Item 362

- H. Notify the eligibility worker of changes associated with FEP participation that require action. Changes may include initiation of a FEP stipend, issuance of a supplemental payment to the participant, issuance of a replacement check to the employer, or evaluation of continuing eligibility upon termination of the placement. Notification is sent using the FEP Communication Form (032-03-655). The form is available online and may be sent by email. The online version can be accessed on the intranet at <http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms.cgi>.
- I. Inform VIEW participants that they have a right to request screening at any time if the individual suspects that he or she may be having difficulty at an assigned activity as the result of a disability, and if the screening indicates that the individual is likely to have such a problem, he or she has the right to be referred for an assessment by a qualified professional to determine whether the individual does have such a problem.
- J. Inform VIEW participants that screening and assessment to identify disabilities and other barriers to program participation are voluntary.
- K. Inform VIEW participants that they have a right to meet with the VIEW worker to discuss the need to revise the Activity and Service Plan to reflect disabilities, or those of household members that affect the ability to engage in work activities or require accommodations.
- L. Inform VIEW participants that they have a right to an Activity and Service Plan that includes the supports, services and any needed accommodations that will be provided to the individual that will enable the individual to participate in work activities or other program requirements.

## 901.5 PARTICIPATION AND COOPERATION REQUIREMENTS

- A. Agreement of Personal Responsibility - As a condition of eligibility, all non-exempt individuals must sign a written Agreement of Personal Responsibility. A new Agreement must be signed at the initial VIEW assessment and upon re-referral following a reapplication or a period in which the individual is exempt. An individual is considered a VIEW participant when the Agreement of Personal Responsibility has been signed. The agreement will, at a minimum, explain the 24-month time limit and that it is the participant's responsibility:
1. To seek employment to support his own family.

2. To participate in assignments made by the case manager.
  3. To notify the case manager of any change in the participant's circumstances which would impact the participant's ability to satisfactorily participate in the program.
  4. To accept a job offer. Refusal to accept a job offer may result in a sanction if so determined by the VIEW worker.
  5. To arrange and find transportation and day care. The case manager will assist the participant if he has tried, but has been unable to find transportation or day care.
- B. An individual will be considered as participating in VIEW until such time as a notice is received from the VIEW worker that he has failed or refused to participate. If an individual fails/refuses to participate/cooperate, without good cause, the case is not eligible to receive a grant.
- C. Refusal to Sign the Agreement of Personal Responsibility - If the VIEW worker advises the eligibility worker that a mandatory individual has refused to sign the Agreement of Personal Responsibility, the TANF case must be closed as soon as administratively possible. Refusal to sign the Agreement of Personal Responsibility means overt refusal to sign or failing to appear without good cause, for an initial assessment interview in which the Agreement of Personal Responsibility was to be signed.

Upon a subsequent re-application for TANF the applicant(s) determined to be VIEW mandatory must sign the Agreement of Personal Responsibility before the initial payment is issued. If the Agreement of Personal Responsibility has not been signed within the application processing time frame (refer to Section 401.1.E), the TANF application must be denied.

Countable earnings must be screened in accordance with policy in Section 305, and the VIEW grant calculation is applicable beginning the month following the month the Agreement is signed.

Either the eligibility worker or the VIEW worker may obtain the applicant's signature on the Agreement.

901.6 SANCTIONS - Participants who fail to participate in the VIEW Program will be sanctioned by suspending the full amount of the TANF payment for the period of time specified below.

- A. The VIEW worker must advise the eligibility worker of the decision to sanction and the sanction count.
- B. The eligibility worker is to sanction the participant unless otherwise advised by the VIEW worker. **If the eligibility worker is aware of a reason related to a disability of the recipient or a household member that prevented participation in VIEW, the eligibility worker must advise the VIEW worker so that the VIEW worker can re-evaluate the sanction. If the VIEW worker determines that a disability prevented participation in VIEW, he must advise the eligibility worker to not impose the sanction or to lift the sanction.**



1. If the eligibility worker is aware that the participant might have been exempt during the required participation time, the eligibility worker must advise the VIEW worker.
2. The VIEW worker is responsible for making the final decision as to whether to proceed with the sanction.
3. When an individual becomes exempt during a sanction period, the eligibility worker must wait until the minimum sanction period has elapsed before removing the sanction. **However, if the basis for the exemption is a determination that the person has a disability or language barrier that prevented the person from participating in VIEW, the eligibility worker must provide the information to the VIEW worker for further evaluation. If the VIEW worker determines that the disability or language barrier was the reason for the participant's sanction, the sanction must be lifted immediately. In addition, that sanction will not count toward the individual's overall sanction count.**

Exception: The eligibility worker will not impose the first sanction if the participant obtains and provides verification of full time employment (at least 30 hours per week) prior to the effective date of the proposed sanction. The eligibility worker must advise the VIEW worker of this information.

- C. The eligibility worker must apply the sanction effective the month following the month in which they receive notice to sanction, if administratively possible. If this cannot be done, the action must be taken for the second month. The eligibility worker must mail the Advance Notice of Proposed Action as soon as possible after receipt of the Notice to Sanction. The advance notice must indicate the duration of the sanction.
- D. The sanction time frames are as follows:
  1. For the first sanction the grant will be suspended for a minimum of one month or until failure to participate ceases, whichever is longer.
  2. For the second sanction, the grant will be suspended for a minimum of three consecutive months or until failure to participate ceases, whichever is longer.
  3. For the third and subsequent sanctions, the grant will be suspended for six consecutive months or until failure to participate ceases, whichever is longer.

**In determining the length of time that the sanction will be imposed, if the VIEW worker determines that a previous sanction was due to an unaccommodated disability which prevented compliance, the current sanction should be imposed as if the previous sanction had not occurred. For example, if this would**

have been the second sanction but the VIEW worker determines that non-compliance with program requirements that resulted in the first sanction was the result of a disability, the second sanction will be treated as if it is the first sanction and the penalty for a first sanction will be applied.

- E. While a grant is suspended for a sanction period, the assistance unit members are considered TANF recipients for all other purposes. The time clock for VIEW participants continues during the sanction.
- F. The VIEW worker will advise the eligibility worker of the date the individual began to comply. The sanction is to be removed effective the date he began to participate. If participation begins after the fixed period, the grant will be prorated for the month in which he begins to participate.
- G. A sanction is removed when the sanctioned individual becomes exempt after the minimum sanction period has elapsed. Once the exemption is verified, the sanction is to be removed effective the date the exemption change is reported. Late reporting of an exemption change does not constitute an underpayment.

**Exception:** When the VIEW worker determines that the non-compliance with program requirements that resulted in the sanction was the direct result of a disability, the need to care for a household member with a disability, or barriers to employment related to limited English proficiency, the VIEW worker will notify the eligibility worker, who will immediately lift the sanction, reinstate benefits, and enter the sanction exemption information into the computer system.

- H. Sanctions and Reapplication - If the sanction is in the fixed period when the case closes, the sanction resumes at approval at the point it left off when the case closed.

Example - The second VIEW sanction was imposed effective January 1, 1996. Customer requested that her AFDC case be closed effective January 31, 1996. Customer reapplied for TANF in June 1996, and the application was approved July 12, 1996. The customer is VIEW mandatory. The second month of the fixed period resumes with July 1996.

If the TANF case closed during a sanction after the fixed period, the case is sanctioned at reapproval until the eligibility worker is notified by the VIEW worker that the client has complied.

In both sanctions, the time clock for the twenty-four month time limit resumes at reapproval.

When a sanctioned individual moves from one case to another, the sanction continues uninterrupted, **unless the VIEW worker determines that the non-compliance with program requirements that resulted in the sanction was the direct result of a disability, the need to care for a household member with a disability, or barriers to employment related to limited English proficiency.**

- I. VIEW Appeal Procedures - The following procedures must be followed at all appeals involving VIEW Sanctions:
1. A representative from the Employment Services Program Service Staff (VIEW) must be present during the pre-hearing conference and the appeal hearing.
  2. The eligibility worker must notify the Employment Services Program staff of the date and time for the pre-hearing conference. The hearing officer will notify Employment Services Staff of the date and time of the appeal hearing.
  3. The summary of facts must be prepared jointly by the Eligibility Staff and Employment Services Staff to ensure that both ESP eligibility and participation issues are stated in the summary.
  4. If the appeal is filed timely and benefits continue pending the hearing decision, the sanction must be imposed as soon as administratively possible when the decision sustains agency action. There is no overpayment in this situation.

901.7 VIEW PAYMENT CALCULATION - To reward work, a VIEW participant may earn up to the assistance unit's federal poverty level (or up to 150% of the federal poverty in the case of TANF-UP households) and remain eligible for TANF for up to twenty-four months from the date that the initial Agreement of Personal Responsibility is signed.

- A. The VIEW payment calculation applies to the following:
1. Unsubsidized employment and,
  2. On the job training or subsidized training listed in [Chapter 1000](#), Section 7.C.4.
- B. This calculation does not apply to the following:
1. FEP Program in [Chapter 1000](#), Section 7.C.2, and
  2. Hardship cases (Section [901.9](#)).

The VIEW payment calculation differs from the grant calculation located in [Appendix 3](#) to 305.

An individual who is working when they sign the Agreement of Personal Responsibility is entitled to the VIEW earned income calculation the month following the month in which they sign the Agreement. If it is not administratively possible to impact that payment, a supplement must be issued.

For those VIEW participants who obtain unsubsidized employment during VIEW participation, the VIEW earned income calculation is to be used for grants effective the month following the month when employment begins. If it is not administratively possible to impact that payment, a supplement must be issued.

Example 2: Mr. and Mrs. Y receive TANF-UP and have 6 months on their VIEW clock. Mr. Y leaves the household and moves in with Ms. A, who is a VIEW participant with a VIEW clock of 3 months. Mr. Y is now subject to the VIEW clock of 3 months.

5. When a parent is added to a TANF case without an existing time clock, the case he joins is subject to the clock count at the point he left the previous case.

Example: Mr. and Mrs. Y receive TANF-UP and have 6 months on their VIEW clock. Mr. Y leaves the household and moves in with Ms. A, who is exempt from VIEW and does not have a VIEW clock. Because the case he is joining does not have a VIEW clock, the new case is subject to the VIEW clock of Mr. Y and Ms. A and Mr. Y are now subject to a VIEW clock of 6 months.

901.10 NOTICE AND APPEAL OF THE TIME LIMIT\* - ADAPT will generate an Advance Notice of Proposed Action at the beginning of the twenty-second month of VIEW participation and will be sent to the local agency for mailing to the recipient. The notice must be mailed, or available at the local agency in the case of an assistance unit which is homeless, at least sixty (60) days before the effective date of the action, excluding the date of mailing and the effective date, to terminate the TANF case due to the twenty-four month time limit. The notice shall also inform the participant of the circumstances which constitute a hardship exception and how to apply for one. **In addition, the VIEW worker must make a good faith effort to inform the person verbally.**

If a case is not in approved status in the system on the first of the month of month twenty-two, the eligibility worker must send a manual Advance Notice of Proposed Action. This notice must inform the recipient that financial assistance is scheduled to terminate due to the twenty-four month time limit and that they and their family will be ineligible for financial assistance for at least twenty-four months after termination of TANF or termination of transitional Medicaid or transitional transportation,\* whichever is later. Information regarding circumstances which constitute a hardship and how to apply for one must also be provided.

If an applicant is reapplying for TANF, and has already received a 60-day notice, the agency must note the number of remaining VIEW months on the Notice of Action to approve the case.

In the event the notice is not issued in a timely manner, the agency must not close the case due to the 24-month time limit until the full 60-day advance notice period has expired. Any benefits received after the 24th month are an overpayment and must be recovered.

If a hearing is requested prior to the effective date of the proposed change to terminate benefits due to the 24-month time limit, a participant appealing such change shall have the right to continued direct payment of TANF benefits pending final administrative action on such appeal.

Termination of financial assistance due to expiration of the time limit is the only circumstance which requires a 60-day notice. For any other action, adhere to policy found at manual sections 401.1-401.6 regarding notification.

\* Code of Virginia, §63.2-612

**EXCEPTIONS:** (1) If the parent dies during the period of ineligibility, the children of that parent may receive TANF with another specified relative, if otherwise eligible. (2) A minor parent or child who turns 18 during the period of ineligibility may apply and receive TANF in her own right for herself and her child(ren), if otherwise eligible. (3) **If it is determined that the parent became disabled during the period of ineligibility or became required to care for a household member with a disability for whom he is legally responsible, and such a disability or situation prevents employment, the parent and children in the family may receive TANF benefits without regard to the period of ineligibility. The worker must assist the parent in pursuing other benefits, as appropriate. The disability must be re-evaluated at the time prescribed by the medical statement. The case is to be closed as soon as administratively possible upon verifying that the parent is able to work.**

The 24-month period of ineligibility status remains with any participating family member who moves out of his parent's home during the period of ineligibility.

The eligibility worker must inform the caretaker/relative who applies for TANF for such children when the period of ineligibility expires so they may reapply for assistance at that time.

Example #1: Ms. Smith's TANF case was closed effective January 1998, due to expiration of the period of eligibility while she was participating in the VIEW Program. Her son, Joe, who was an assistance unit member while Ms. Smith participated in the VIEW Program, moved to his grandparent's home in June 1998. In that same month, Joe's grandmother filed an application for TANF, for herself and Joe. The application for TANF is denied due to the fact that Joe was an assistance unit member during Ms. Smith's VIEW participation in which the period of eligibility had expired. Joe will remain ineligible for receipt of TANF until the entire 24-month period of ineligibility has expired.

Example #2: Ms. Smith, who is an TANF recipient with her sons Josh and Joe, began participating in the VIEW Program in March 1996. Josh moved out of Ms. Smith's home in June 1996 to move in with his aunt. The aunt applied for TANF, on Josh's behalf, in June 1996. The aunt's TANF application for Josh may be approved, if Josh is otherwise eligible, because Ms. Smith's TANF case was not in a period of ineligibility when Josh left.

NOTE: No member of the assistance unit in a period of ineligibility is eligible for the Diversionary Assistance Program. (See Chapter 800.)

901.12 TRANSFERS - Active VIEW cases transferred to another agency should be treated as follows:

- A. When a VIEW case with no earned income and not in sanction transfers to another agency, the VIEW time clock and the 60-month clock stop until such time as the VIEW worker does an assessment and re-starts the clocks. The receiving agency is responsible for adjusting the clocks after the assessment.
- B. When a VIEW case with earnings transfers to another agency, the VIEW time clock continues.
- C. A sanction period continues when a sanctioned VIEW case transfers to another agency.

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## DEFINITIONS

The following words and terms, when used in this policy, shall have the following meaning:

Adult basic education (ABE) - remedial or other instructional activities aimed at enhancing basic educational performance levels including reading, writing and mathematics.

Agreement of Personal Responsibility (APR) - the written individualized agreement of personal responsibility required by the Code of Virginia 63.1-133.49 and this policy.

Applicant - a person who has applied for TANF or TANF-UP benefits and the disposition of the application has not yet been determined.

Basic Literacy level - a literacy level that allows a person to function at a level equivalent to at least grade 8.9.

Case Management - the process of assessing, monitoring, coordinating, delivering and/or brokering activities and services necessary for VIEW participants to enter employment or employment related activities as quickly as possible.

Case Management Services - services which include, but are not limited to, job development and job placement, community work experience, education, skills training and support services.

Case Manager - the worker designated by the local department of social services, a private sector contractor or a private community-based organization including non-profit entities, churches, or voluntary organizations that provide case management services.

Child day care program - a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 (or children up to 18 years of age if they are physically or mentally incapable of caring for themselves or subject to court supervision) for less than 24 hour period.

Child day care services - the arrangement and/or purchase of day care for children to assist eligible families to obtain or maintain employment, education or training.

Community work experience - to work for benefits in a public or non-profit agency.

Component - one of several activities in which a person may participate while in the VIEW Program.

Department - the Virginia Department of Social Services.

**Disability: A physical, developmental, cognitive or mental health condition or learning disability that limits the ability of the individual to perform life activities. "Life activities" include, but are not limited to: walking, talking, sitting, standing, lifting, seeing, hearing, speaking, learning, understanding, sleeping, eating, taking care of oneself, functioning independently, concentrating, and working. Individuals with chronic health problems such as asthma, diabetes, and hypertension may also be included, if these conditions limit the individual's ability to function. Such a disability must be verified by a qualified professional.**

**A child has a disability if he or she has a physical developmental, cognitive or mental health condition or learning disability that limits the ability to perform any of the activities listed above, or other activities, as compared with other children of the same chronological age.**

Displacement – when a TANF recipient participating in the Full Employment Program (FEP) or Community Work Experience Placement (CWEP) fills a vacancy that exists because another individual is on layoff from the same or equivalent job; when a participant fills a vacancy created by an involuntary reduction in the work force or by the termination of another employee for the purpose of filling a vacancy with a VIEW participant.

Earned income disregards - a certain amount of earned income which is not counted when determining the amount of the TANF benefit.

Earned Income Tax Credit – earned income tax credits received as advance payments or refunds from federal taxes due.

ESW - Employment Services Worker, may be a local DSS worker or anyone who meets the definition of case manager. In some agencies it may be a worker who is responsible for the administering of VIEW and benefit programs.

EW - Eligibility Worker.

Exempt – status of a TANF or TANF-UP applicant or recipient who meets one of the Virginia Initiative for Employment not Welfare ( VIEW ) program exemption criteria and, therefore, is not required to participate in VIEW in order to be eligible for public assistance.

Full Employment Program (FEP) - subsidized, training oriented employment, that replaces TANF benefits with wages paid by an employer. This employment is designed to train the recipient for a specific job, increase his self-sufficiency and improve his competitiveness in the labor market.

Full-time unsubsidized employment - employment which is considered by the employer to be full-time, but in no case less than 30 hours per week and for which no government funds are used to subsidize the individual's salary.

Good Cause – a circumstance when a VIEW participant was unable to comply with program requirements due to circumstances beyond his control. This is determined by an evaluation done by the worker responsible for the VIEW program.

Grant - the monthly TANF benefit payment.

Hardship exception - prescribed reasons which, if applicable, would allow an extension of receipt of TANF benefits.

**Household member: Any child or adult residing with the applicant/recipient for whom the caretaker is legally responsible. The individual need not be a member of the applicant/recipient's assistance unit to qualify as a household member.**

Job development - locating job openings which fit the needs and qualifications of participants. Job development may also involve job creation through the provision of employer tax credits and subsidies for on-the-job training.

Job Finding – the identification of available and appropriate jobs.



Job follow-up – the process of tracking wages and hours of employment monthly and providing case management services to assist with job retention and upgrading.

Job matching - matching a participant's skills and/or prior work experience to available job openings.

Job placement - placing a participant in a unsubsidized or subsidized job. Job placement is the result of job finding and job matching.

Job Search - a structured time limited period in which the participant is required to search for and obtain employment. In order to complete the job search, the participant is required to search, find and apply for a set number of jobs.

Job skills training - training in technical job skills or required knowledge in a specific occupational area in the labor market.

Job Training Partnership Act (JTPA) - the Act and organization that prepares economically disadvantaged youth and adults for entry into the labor force.

Legally operating child day care providers - includes all providers regulated by the Department of Social Services, Division of Licensing, city approved providers, county approved providers, local agency approved providers, and providers who are legally exempt from regulation based upon the number and ages of children in care or because the provider is a relative caring only for relatives.

Limited English proficiency - limited ability in the English language by a person whose native language is one other than English or by a person who lives in a family or community environment where a language other than English is the dominant language.

Local agency or local department - any one of the local social services or welfare agencies throughout the Commonwealth which administers TANF and VIEW, its' work program.

Local Annual Plan - a yearly plan submitted to the department by each local agency which describes the locality's VIEW plan.

Making good progress and satisfactory progress - participant in any education or training activity is meeting on a periodically measured basis of less than one year, such as a term or quarter, a consistent standard of progress based on written policy as developed by the educational institution or training agency.

On the job training – paid or unpaid training which is provided by an employer during the performance of a job by a VIEW participant.

Participant - a TANF or TANF-UP recipient who has signed the Agreement of Personal Responsibility and is participating in the VIEW program.

Part-time unsubsidized employment - employment of at least eight hours but less than 30 hours per week and for which no government funds are used to subsidize the individual's salary.

Pending status - a status to which participants are assigned when they cannot move immediately into a component.

Post-secondary education - a program of post secondary instruction offered by an institution of higher education as determined by the Secretary of Education to meet the Higher Education Act of 1965.

Queue – the list of TANF recipients who are referred by the eligibility worker for mandatory participation in the VIEW program.

Sanction - to suspend a participant's TANF grant and or/food stamp allotment for noncompliance with this program.

Satisfactory participation – attending all the hours assigned to an activity during the month. In the instance of job search, the completion of all required job search contacts.

Self-Initiated - a participant who has enrolled in post-secondary or skills training activities prior to enrollment into the VIEW program.

Standard Operating Procedures (SOP) – guide by which each locality administers the VIEW program specific to their program design.

Support services - services such as child care and transportation provided to program participants to enable the participant to work or to receive training or education which are intended to lead to employment.

Termination – closure of the TANF case for failure by a mandatory VIEW recipient to sign the APR.

Temporary Assistance for Needy Families (TANF) - the cash assistance program for families with children in Virginia, which is based on Title IV-A of the Social Security Act, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

Time limitations - a specified period of time enacted by state and federal statute in which to receive TANF

Transitional support services - child care, transportation, employment and training and Medicaid provided to a VIEW participant whose TANF case has been closed.

Unsubsidized employment - employment in which no government funds are used to subsidize the wages earned by a participant.

Virginia Independence Program - welfare reform initiatives implemented in 1995, including VIEW, which is part of TANF.

Virginia Initiative for Employment Not Welfare or "VIEW" – the Commonwealth's employment services program for TANF recipients who are required to participate. It was implemented in 1995 as part of the Virginia Independence program (VIP) to assist participants in attaining self-sufficiency

Vocational Education – certificate/associate degree programs or skills training offered in a public school setting with a specific employment goal

Work Activity - participation in unsubsidized employment, FEP, on-the-job training, or community work experience for at least the minimum federally required hours per week.

- 2) Changes to the local annual VIEW plan are allowable for the following reasons:
  - a) Changes to planned number of participants to be served and/or changes to planned expenditures of 15% or more;
  - b) Any substantial changes to program design i.e. the local agency adds or drops an optional program component;
  - c) Changes to planned program outcomes such as entered employment rate/retention rate or average wage.
- 3) The local agency may submit a change to the local plan only during the first 30 days of each quarter. The local agency may only change the planned participation and planned expenditures for the quarter in which the change is submitted and for future quarters.
- 4) The local agency will send changes to local plans to the Regional Specialist for approval. The Regional Specialist will send copies of the approved changes to the local plan to the Central Office.
- 5) All local plans must be submitted to the ESP Regional Specialist for review and final approval. No reimbursements for locality expenditures will be granted without final approval of the local plan.
- 6) Locality request for additional funds will be approved based on meeting or exceeding the performance measures in the local plan.

## 2. PROGRAM FLOW

- A. The ESW will **complete the assessment of** the participant within 30 days of the referral from eligibility. **If possible, further assessment by a qualified professional, if necessary, is to be completed within 30 days following the completion of a screening.**

**The ESW must offer screening of disabilities to individuals within the first 90 days in VIEW and:**

- **At the initial assessment;**
- **Whenever an individual discloses the existence of a disability;**
- **Whenever an individual provides other information that indicates that he/she has or may have a disability**
- **At any other time when the individual appears to be having difficulty with entering or maintaining employment or VIEW program participation.**

**The worker must also screen an individual for disabilities whenever an individual requests such screening.**

**If a determination regarding a disability has been made by a qualified professional, it is not necessary to obtain a second assessment for the same disability.**

If the screening indicates that the individual is likely to have a disability that affects compliance with VIEW program rules, the worker must:

- **Give the individual an opportunity to obtain current documentation or a current evaluation from a qualified professional that describes the nature and severity of the individual's disability, its effect on the ability to participate in work activities and comply with other program rules, the accommodations, if any, needed by the individual to participate in work activities or fulfill other program requirements, and the length of any necessary treatment. Such documentation must be provided in 30 days or in a time frame agreed upon by the client and worker. If the client makes the appointment, the client must provide the appointment date to the worker. The activity and service plan must include the follow-up activities required as a result of the screening and assessment.**
- **The ESW will arrange for the individual to receive an evaluation from a physician or other appropriate professional. If the assessment or evaluation is not covered by Medicaid or other sources, the cost of the evaluation is payable from administrative funds. The agency may request additional information or a second assessment from another source if there are questions about the original diagnosis.**

**Prior to conducting screening and, if necessary, referring the individual for an assessment, the worker must inform individuals that screening and assessment are voluntary, screening and assessment may help determine what the individual can and cannot do, and what he needs, who the screening and evaluation results will be shared with, and that having a disability or other barrier does not disqualify an individual from getting benefits or from participation.**

- B. During the assessment, the ESW will inform the participant of the VIEW program requirements.
- C. During the assessment, the ESW will determine the following:
  - 1) The types of jobs a participant could get immediately without the need for further skills training or education.
  - 2) The types of Full Employment work-sites or community work experience sites available to the participant.
  - 3) Possible jobs which the participant could obtain after two years with the provision of VIEW program activities.
  - 3) The participant's need for supportive services.
  - 4) **The abilities of the individual.**
  - 5) **Whether the participant has a disability and whether accommodations are needed.**
- D. The participant and ESW will sign an Agreement of Personal Responsibility.

E. During the initial assessment, the ESW will assign the participant to either of the following for 30 days:

- 1) Individual Job Search; or
- 2) Group Job Search/Job Club.

Job readiness can be offered as a separate activity or as part of individual job search. Job readiness must always be included in any group job search. Job readiness may be offered before, during or after the initial assignment to job search.

F. If the participant obtains full-time employment (30 hours a week or more), he will not be required to participate in other VIEW activities while he is employed full-time, unless he is a member of a TANF-UP household whose minimum weekly requirement is 35 hours. The participant is still required to respond to any correspondence from the ESW and to show up for his reassessments.

G. If the participant obtains part-time employment, which is anything less than 30 hours per week, he will also be required to fully participate in activities designed to help him obtain full-time employment. He may also be assigned to education or skills training in conjunction with employment. He shall be assigned to activities that total at least 30 hours a week (or 35 hours a week if a TANF-UP participant).

**The total number of hours of work activities the individual is required to participate cannot exceed the number that the individual is able to perform, based on the Medical Evaluation Form.**

**If an individual is assigned to a second activity, the worker should determine whether any reasonable accommodations or support services are necessary for the individual to participate in the activity. If any reasonable accommodations or support services are necessary, they should be identified in the Activity and Service Plan, and the worker should arrange for them to be provided.**

H. If the participant has not obtained unsubsidized full or part-time employment at the completion of the job search component, he will be reassessed and placed into a work activity (ex.) the Full Employment Program (FEP), on-the-job training, or Community Work Experience (CWEP), no earlier than the 90th day and no later than the 95th day after assignment to the queue.

I. When the assignment is to the community work experience component, the initial assignment will be for 6 months and will be reassessed after 3 months. The ESW should work with the work site to determine their needs; the participant may require a series of work sites if six months is not available at one site.

J. At the expiration of the community work experience period or the Full Employment agreement, the ESW will reassess the participant and assign him to the same or another component.

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- K. During reassessment, the ESW will determine why the participant has not yet obtained unsubsidized employment. If further education and or training is required, the ESW will assign the participant to the appropriate activities. All participants assigned to education and training activities must also participate in a concurrent work activity.

**This determination will include an exploration of whether any barriers, including a verified disability, limited English proficiency, lack of reasonable accommodations or support services, or other barriers, are preventing the individual from searching for or obtaining unsubsidized employment. Unless a disability determination has already been done, the ESW may offer the individual screening to determine whether any disabilities may be preventing the individual from obtaining unsubsidized employment, and, if the screening indicates a possible disability, referral to a qualified professional for an in-depth disability evaluation.**

**The Activity and Service Plan should be revised and updated to reflect needed accommodations and support services.**

- L. Sixty days prior to the end of the participant's two-year time period, the ESW will assess and assign the participant to Individual Job Search, Group Job Search, or Job Club.
- M. A participant can apply for a hardship exception during the 60-day period prior to the end of the two-year time period. Participants eligible for a hardship exception will have their TANF benefits extended.
- N. Participants granted a hardship exception will be reassessed as discussed in section 18 of this chapter. The ESW will determine if the condition for which the hardship exception was granted still exists.

3. EXEMPTIONS – Please refer to Section 901.2.

#### 4. ASSESSMENT

##### A. Scheduling of the Initial Assessment

- 1) The ESW will assess the participant within 30 days of his assignment to the queue.
- 2) The assessment will be an individual, face-to-face interview between the participant and the ESW.
- 3) The ESW will send the participant a letter informing him of the date of the assessment interview.
- 4) The letter will explain that appearance for the interview is a condition of continued eligibility for TANF and that the consequence of not attending the interview at which the APR is to be signed, may be termination. The letter will also tell the participant how to contact the ESW, and notify the individual that he must contact the ESW if he is unable to come to the interview or if he needs to reschedule the appointment. **All participants will have their initial assessment interviews scheduled at a time that does not conflict with medical/mental health/other treatment appointments, to the greatest extent possible.**
- 5) Employed participants will have their initial assessment interviews scheduled at a time that does not require them to miss work. Workers should take into consideration the participant's work schedule when scheduling appointments and if necessary, meet with the participant at a location outside of the agency

which is mutually agreeable.

- 6) If the participant does not appear for the interview, the ESW **must attempt to contact the participant verbally. If the ESW determines that the participant did not have good cause for missing the appointment or is unable to contact the participant** the ESW will send a written communication to the EW to send an Advance Notice of Proposed Action to the participant within three working days of the missed appointment. The notice will state that the participant must contact the ESW within 10 days from the date of the notice or the participant household's TANF benefits will be terminated. The notice will inform the participant of the good cause process. (See Good Cause for Failure to Participate in Sanctions, section 12 of this policy.)
- 7) If the participant does not contact local agency staff, as designated on the Advance Notice of Proposed Action, within 10 days of the date of the notice, **the agency will take action to terminate the case. However, if the client signs the APR prior to the effective date of the Advance Notice of Proposed Action to close the case, the case will not be closed.**

Exception: When the signing of the APR is a condition of TANF eligibility and the participant does not keep the initial assessment appointment and does not have good cause, after having signed the APR, the household will be sanctioned, not terminated.

- 8) Documentation on either the contact sheet or in the case narrative should reflect all correspondence and contacts with the participant and any collateral contacts made beginning with the scheduling of the initial assessment. Included in the recordings should be the date, the name of the person contacted, the method of contact (i.e. telephone, office visit, etc.) and brief description/ summary of the contact.

#### B. Initial Assessment Procedures

- 1) Each locality will establish assessment procedures which include:
  - a) An identification and evaluation of the participant's occupational skills, education, proficiencies and deficiencies. The assessment should focus on the skills the participant already possesses that would allow him to obtain immediate employment. The VIEW Assessment Form or an assessment tool that has been approved by the regional coordinator, must be completed on each participant.
  - b) A determination of the participant's functional literacy. If a participant does not have a GED, Associate degree or a Bachelor's degree he will be tested to determine his functional literacy level using the University of Texas "Information Sheet" test found in the forms section of this policy or another literacy assessment tool such as the Test of Adult Basic Education (TABE). He must be tested within 90 days of the referral from the EW. Either the ESW or a service provider can conduct the testing. Prior test



scores, such as TABE, which establish an approximate educational/basic literacy level, if within the past year, can be used in place of the "Information Sheet" test.

- c) A detailed evaluation of child care and other supportive service needs.
- d) A plan for monitoring of the participant's progress while he is participating in activities.
- d) An initial identification of the type of community work experience or Full Employment site needed by the participant if unsubsidized employment is not found.
- e) **Screening for disabilities that may interfere with the person's ability to comply with VIEW participation and/or engage in employment. All VIEW participants must be offered screening for learning disabilities, mental health disabilities, and alcohol and substance abuse within 90 days of signing the APR. The local department must use valid screening tools. Examples can be found in "Screening for Employment Barriers: Issues and Tools." Where there is an indication of a physical or mental impairment, including a learning disability, then the recipient will be consulted and, if it is acceptable to the recipient, the ESW will make a referral for an assessment. Screening and assessment, if needed, may also occur at any time that there is any suspicion or evidence that such problems may be affecting the person's ability to meet VIEW requirements. If a participant chooses not to be screened, then the VIEW participant must engage fully in VIEW requirements.**

**If an assessment indicates the existence of a disability, the Activity and Service Plan must be updated to include required treatment and/or services, and require participation in those activities.**

- f) **Evaluation of the disability of a household member the recipient cares for, to determine the impact of this responsibility on the recipient's ability to comply with VIEW requirements. Such procedures can include the use of the medical form. While it is preferred that this process occur within 90 days of signing the APR, it also can occur at any time that there is any suspicion or evidence that the need to care for a household member with a disability may be affecting the person's ability to meet VIEW requirements.**
- 2) Each participant will be assessed to determine his job readiness. The assessment will include consideration of the following:
- a) Information regarding the types of jobs available to the participant immediately without further education or skills training;
  - b) The transferable skills the participant already possesses which could allow the participant to obtain immediate employment (such as skills from hobbies, volunteer work or previous employment which may be applicable to jobs available in the community);

- c) Job readiness skills, including the participant's ability to work under supervision and cope with professional or personal problems that may occur on the job;
- d) The participant's ability to work with co-workers on the job;
- e) Participant's job interests;
- f) Basic education level;
- g) Prior work history, including types of jobs previously held, pattern of finding and losing jobs and work habits;
- h) Occupational skills;
- i) Family/life circumstances, including the level of support for the participant entering employment as well as consideration of domestic violence situations and whether **there is a household member with a verified disability for whom the participant provides care**;
- j) Supportive service needs, including child care and transportation;
- k) Ability to read English (as determined by the ESW); and,

- l) **Any disabilities or medical conditions that need to be taken into consideration in planning program participation.**
  - m) Other issues which need to be addressed to facilitate obtaining employment.
- 3) The ESW will be required to inform the participant of the following information **about VIEW**:
  - a) program goals and philosophy;
  - b) program requirements, including an explanation of responsibilities and expectations for participants in the VIEW program;
  - c) benefits of obtaining immediate employment (increased income and skills level, enhanced disregard);
  - d) the two-year time limitation for receipt of TANF benefits;
  - e) evaluation of hardship exceptions and the process for appeals and hearings;
  - f) penalties for failure to comply, without good cause, with program requirements. Penalties include sanctions and possible consequences for hardship exception requests;
  - g) good cause reasons for not complying with program requirements, including information, in writing, explaining the criteria that will be used in determining good cause for not working when no acceptable child care arrangements can be made;
  - h) consequences of not signing the Agreement of Personal Responsibility;
  - i) the requirement to be involved in work activities throughout the two-year time period of VIEW participation;
  - j) the fact that the two-year time limitation for receipt of TANF begins the first of the month after the date the Agreement of Personal Responsibility is signed;
  - k) the name and phone number of the ESW or other persons who might need to be contacted;
  - l) the requirement to respond to all agency correspondence;
  - m) a discussion on "banking" months of TANF to save eligibility, building assets with the additional savings allowed through receipt of the enhanced income and savings account disregards and budgeting; and

- n) explain IPV (Intentional Program Violation) reporting requirements and penalties to the client/participant. Have the client sign the Notice of Intentional Program Violation Penalties. This form may be located on the local agency DSS Intranet site ([www.localagency.dss.state.va.us](http://www.localagency.dss.state.va.us)). Give a copy to the client and place a copy in the VIEW record. See Section 102.
- o) **The right to disclose a disability to the agency, and the benefits of doing so:**
- **The right of all applicants/recipients to request screening at any time, and if the screening indicates that they are likely to have such a problem, that they have the right to be referred for an in-depth evaluation by a qualified professional.**
  - **Disclosure of a disability and participation in disability screening and an in-depth disability evaluation are voluntary.**
  - **Individuals with verified disabilities are entitled to reasonable accommodations in all aspects of the VIEW program, including: help filling out forms and verifying information; changes in VIEW program requirements, changes in work requirements; programs and services that make it possible to participate in the program; and help with filing appeals.**
  - **An Activity and Service Plan that describes the modifications in work activities.**
  - **What to do if they need to miss work activities, or are unable to do the work activity assigned to them.**
  - **What to do if they requested accommodations, support services, fewer hours of work activities or a different work assignment, and the request was denied.**
  - **The right to a temporary exemption from work activities, placement in inactive status, or the right to do work activities part-time or during flexible hours.**
  - **The right to special equipment that makes it possible to do work activities;**
  - **Information on how to request reasonable accommodations and the documentation needed to qualify for them.**
  - **The right to assistance in obtaining documentation to qualify for an accommodation.**

- 4) After the Agreement of Personal Responsibility is signed at the initial assessment, all participants who are not employed or who are not otherwise required, (Section 7, 1 g and 16, b), will be assigned to a 30-day job search component and/or job readiness. In the case of a referral of a former VIEW participant, the ESW may waive the up-front job search requirement and immediately place the individual into a work activity.
- 5) TANF recipients exempt from VIEW may volunteer to participate. **As voluntary participants, however, they can withdraw from the VIEW program without penalty at any time within the twelve-month trial period and therefore cannot be sanctioned for failure to comply with VIEW program requirements unless they elect to continue in the VIEW program after the end of the twelve-month trial period. If the volunteer cannot meet his obligations, the worker should discuss with the volunteer the option of ending VIEW participation by becoming exempt**
- 6) A recipient may have one VIEW trial period per spell on assistance. If the recipient volunteers for VIEW an additional time, the trial period will not apply.

### G. The Two-Year Time Limitation

- 1) The two-year time limitation for receipt of TANF benefits begins the first of the month after the date the Agreement of Personal Responsibility is signed. The VIEW status of the TANF recipient on the first of each month determines if the month will count toward the two year period.
- 2) The months in which the participant meets any of the following conditions on the first of the month will not count toward the two-year time period:
  - a) he is exempt from VIEW;
  - b) he does not have an open VIEW supplement, for reasons other than sanction; or
  - c) he is assigned to inactive.
- 3) Months in which a participant is assigned to pending will count toward the two-year time period.
- 4) Months in which a participant is sanctioned will count toward the two-year time period.
- 5) Months in which TANF benefits continue due to appeal will count toward the two-year time period.

### 5. ACTIVITY AND SERVICE PLAN

- A. Based on the information obtained during the assessment, the ESW and participant will develop an Activity and Service Plan. The Activity and Service Plan will detail:
  - 1) a list of the planned activities which the participant will need during the two-year time period in order to obtain employment;
  - 2) the participant's current assignments, and specific responsibilities of the participant and the agency, including but not limited to the expected levels of a) participation, b) attendance and/or c) the requirement to return information to the ESW and report changes which impact employment and/or participation;
  - 3) **the supportive services needed by the individual to comply with program requirements.** The Activity and Service Plan may take the place of a service application;
  - 4) a statement explaining the reason(s) for assignment to Pending or Inactive, if applicable, and a list of the steps planned to resolve the issues leading to that assignment.
  - 5) a description, begin and end dates, and planned weekly hours of the participant's assignment or assignments;
  - 6) that participants should contact the ESW if they are considering quitting a job or, if possible, they believe they are in danger of being fired from a job. This is to enable workers to either help participants retain that position or obtain other employment.

- 7) **Reasonable accommodations needed by an individual to fulfill participation requirements based on recommendations from a qualified professional's evaluation. These accommodations may include, but are not limited to: part-time or flexible hours for work activities, providing the individual with work activities in a specific work environment that enables the individual to participate in work activities, providing particular types of jobs or work activities that are consistent with the person's limitations, activities that are scheduled so they do not conflict with ongoing medical or mental health treatment, additional notice of program appointments, additional explanation of program rules, job coaches, additional time to complete program requirements, and additional intervention before an individual is sanctioned for non-compliance with VIEW program requirements.**

**Some individuals are caring for household members with a disability part-time, and can only do work activities part-time, or during particular hours, or on a flexible schedule. When an individual has such a limitation, the employment services worker must find work activities for the individual that do not conflict with the individual's care-taking responsibilities. The household member's condition, as well as the necessity for care that limits the individual's availability for work must be verified by a physician.**

**Some individuals have disabilities that limit when they can do work activities. For example, some individuals have appointments for medical or mental health treatment, substance abuse treatment, or rehabilitation services (such as physical therapy). When an individual has such appointments, the employment services worker must find work activities for the individual that do not conflict with the individual's treatment.**

**Examples: Ms. A lost her job because she frequently gives customers the wrong amount of change. It is determined that she has a learning disability that makes such transactions very difficult. The worker arranged for training specifically designed to help her learn despite her disability.**

**Ms. B is caring for a child with a disability and keeps losing her job because she is frequently called away from work by the child's school to deal with health-related emergencies. The worker determines whether there are jobs she can do that will permit her to meet her child's needs as well or whether the number of hours of work activity required should be reduced to ensure that the parent can meet the needs of the child with a disability.**

**Ms. C continually comes onto the TANF program after leaving for a job and then losing the job. It is determined that a mental impairment prevents her from handling many work situations. The worker checks in regularly with Ms. F to see how the job is going, what problems are arising, etc.**

- B. The ESW must complete a new Activity and Service Plan at initial assessment, reassessment, or whenever there is a change to the participant's activity assignments. Modifications to the Activity and Service Plan or modifications to the Agreement of Personal Responsibility due to changes in assignments will not affect the TANF two-year time limitation.

## 6. SOCIAL/SUPPORTIVE SERVICE

Social/supportive services are provided to remove barriers to the individual's participation and to stabilize employment. The supportive services available are child care, transportation, (medical and dental, services) work related expenses and emergency intervention. Supportive services are provided as needed and available to support participation in orientation, assessment, approved self-initiated education, training and employment activities, or to accept or maintain employment. The provision of supportive services is contingent upon the availability of funds based on local VIEW allocations, and spending limits for such services will be the discretion of the agency. In such situations that limits are set, this should be stated in the SOP and applied equally for each participant. Agencies are encouraged to explore alternatives to removing barriers, if supportive service funds are limited. If supportive services are essential for participation, and neither the participant nor the agency can provide them, and no alternatives are available, the participant may not be sanctioned for noncompliance. In these situations, the participant will be placed in "Inactive" status, which will prevent the clock from counting against the 24 month and the 60-month time limit.

### A. Duration of Supportive Services

- 1) Supportive services may be **provided** for as long as the participant is in a VIEW activity and the TANF case is open or if the TANF case is closed and the required number of job follow-ups have not been completed. If the supportive services consist of transportation see the instructions for transitional services on page 66.
- 2) Participants who enter full or part-time employment and continue to receive TANF or TANF- UP are eligible for supportive services. In the event of TANF case closure, all supportive services may be provided for 90 days or until the required job follow-ups are completed, whichever is longer.

Note: Transitional supportive services, for which a former participant may be eligible to receive for 12 months, are limited to transportation, child care, and employment and training.\* Workers are to inform clients how receiving transitional services will affect their period of ineligibility. When a participant receives transitional transportation it must be recorded in ESPAS. ESPAS can be accessed through the ADAPT Main Menu, Option 14. For detailed instructions refer to the ESPAS Manual, Chapter L.

### B. Employment Service Worker Responsibilities

- 1) The Employment Services Worker is a case manager. As part of his responsibility he assists the applicant/recipient in meeting his service needs. This may be done directly by the ESW or through a referral to a social worker or service provider.
- 2) When providing social services to recipients, the Activity and Service Plan form may replace the Service Application regardless of the funding source for the service or the



E. Medical/Dental Services

- (1) Payment for medical/dental services must directly relate to VIEW activities or employment. These are medical/dental services not covered by the State Medical Assistance Plan (Medicaid). The need must be linked to needs identified on the Activity and Service Plan and the participant must be making satisfactory progress and regularly attending the component activities.
- (2) Examples of medical/dental services are medical statements or other necessary medical verifications, dentures, glasses, orthopedic shoes, and other items required prior to entry into jobs, work-sites, or education/training components. **Medical and mental health evaluations, not covered by Medicaid, needed by participants to determine whether they have a verified disability that affects program participation, the nature and severity of the disability and its effect on program participation, and the reasonable accommodations needed by the individual “directly” relate to VIEW activities or employment.**

F. Program Participation and Work-Related Expenses

This service provides assistance to the participant with employment-related expenses or expenses incurred through participation in an approved VIEW component(s).

1) Criteria for Assessing Need

The ESW will use the following criteria when assessing the need for participation or employment-related expenses for the VIEW participant:

- (a) The expense is necessary to enable the individual to participate in approved activities or employment;
  - (b) The need for expenses is clearly linked to the needs identified on the APR, Activity and Service Plan, or, in the case of assessment, in the case record; and
  - (c) The participant must be making satisfactory progress in the component/activity.
- 2) Participation expenses which are reimbursable include, but are not limited to:
- (a) Fees for birth certificates;
  - (b) License fees;
  - (c) Registration/graduation fees;
  - (d) Picture ID costs;
  - (e) Uniforms or other clothing or shoes;
  - (f) Safety equipment and tools;
  - (g) Car repairs;
- 3) The ability of a local agency to pay participation expenses is based on the availability of funds and local resources. Therefore, each local agency is encouraged to develop additional policy and procedures for approving expenses.
- 4) One-Time Work Related Expenses - Payment of one-time expenses are allowable when needed to enable a participant to accept a job offer or maintain employment. One-time work expenses refer to non-recurring work expenses. Expenses which are allowable include, but are not limited to:

- (a) purchase of an initial set of tools or equipment;
- (b) uniforms;
- (c) safety equipment
- (d) professional fees and licensing require by the occupation; and
- (e) automobile repairs and insurance.

G. VIEW Emergency Intervention Services

This service provides assistance during crisis situations which may affect the individual's participation in an activity or employment. Examples are emergency provisions of food/utilities, or other items necessary for the client to gain and or/keep employment or participate in other ESP activities. Automobile expenses are not covered under this section.

- H. Local procurement/purchase procedures should be followed when purchasing medical/dental, work- related and emergency intervention supportive services.

7. PROGRAM COMPONENTS

VIEW program components include all work activities as well as job search/job readiness and education and training. All program components will be monitored monthly for attendance of scheduled hours. In addition, education and training activities will be monitored for satisfactory progress at periodic intervals.

Note: Participants assigned to a work activity for at least eight hours per week may also engage in educational and training activities.

A. Recipient Job Search

- 1) Job Search is a structured activity carried out over a defined time period when the participant must complete a specified number of job contacts per assignment to job search. The number of job contacts required must be determined on an individual basis and must be within a range established by each local department of social services. Both the agency range and the number of required contacts set on an individual basis should be determined based upon criteria, such as, other work or training activities in which the participant is involved, **language barriers, disability of the participant or household member, other barriers**, employment conditions within the locality, and availability of transportation or child care,

The maximum and minimum number of job search contacts must be included in the local agency's VIEW Annual Plan. **If a participant is unable to make the minimum number of job contacts listed in the VIEW Annual Plan as a result of a verified disability of the participant or participant's household member for whom the participant is responsible, the number of job search contacts required for that individual must be reduced below the minimum number listed on the Annual Plan as a reasonable accommodation.** The limits set may be changed as deemed necessary by the agency. Changes between VIEW Annual Plan submissions must be reported to the Regional TANF Consultant at the time of the change.

- a) For the purpose of discussing progress of the job search, and ensuring that the contacts made are reflective of the participant's job skills, bi-weekly contact between the participant and the ESW is suggested. This practice may enhance the participation rate as early intervention by the ESW may benefit participants who may not be utilizing the full job search period to obtain employment.
  - (1) If the participant finds full-time employment, the job search will terminate;

- (2) If the participant finds part-time employment, the ESW may decide whether to terminate the job search or require the individual to continue looking for full-time employment. The participant will be required to fully participate in activities designed to assist him in obtaining full-time employment.
- b) Localities may determine how many employer contacts will be required for individuals who are already working part-time at the time they enter the VIEW program.
- c) Local departments must work with public and private providers of job development/job placement services, such as VEC, Workforce Investment Act (WIA), and the Department of Economic Development to facilitate job development and job placement.
- d) Participants who are not employed 30 hours or more at the time the Agreement of Personal Responsibility is signed must be placed into a 30-day job search. However, in the case of previous VIEW participants, the ESW may waive the up-front job search requirement and place the individual into a work activity.
- e) A participant must accept a bona fide offer of employment. Participants who refuse to accept a bona fide offer of employment will be sanctioned.
- f) A participant who has not found full-time employment 60 days prior to the end of his 24-month TANF time limitation must be placed in a job search component in conjunction with a work activity. This assignment will continue until the participant leaves TANF at the end of the two-year time period.
- g) The up-front job search for a participant already enrolled in an education or training program may be waived if:
  - (1) the participant has been enrolled in the education and training (self-initiated) for at least one grading period; and
  - (2) the participant is satisfactorily enrolled and is meeting all requirements of the activity as defined in this chapter at Section 7., e, Post Secondary Education; and
  - (3) the education and training is related to a specific employment and/or occupation; and
  - (4) the participant must be able to complete the education or training within one year (12 months).
- h) The up-front job search for a participant may be waived if the ESW determines the participant would benefit from immediate job skills training and is placed in a vocational education program. The participant must meet the eligibility criteria as defined in G, 2, page 45, of this section.

NOTE: When there is a refugee resettlement agency in the locality available to work with refugees, all work requirements for refugees required to participate in VIEW should be coordinated with that agency (or designated service provider). The resettlement agency, while maintaining communication with the local agency, must take the lead in assisting the refugee in the pursuit of self-sufficiency. The local agency case record must contain a Comprehensive Resettlement Plan (CRP) developed by the resettlement agency. Contracts between the Office of Newcomers Service and Refugee Resettlement Service Providers mandate these services.

It must be noted that this exception does not remove the requirement for a participant to be in a work activity between the 90<sup>th</sup> and 95<sup>th</sup> day from assignment to the queue. It does allow the ESW more flexibility to modify the job search requirement in order for the participant to find employment which will meet the work requirement and at the same time support the education or training program

requirements. If the education or training program includes a work activity such as work-study or practical training outside of a classroom for at least eight hours a week, the up-front job search may be waived.

## 2) Elements of the Job Search Component

When designing the Job Search component, the worker must incorporate the following elements based on the participant's needs:

- a) techniques to help the participant identify good work attitudes, strengths and job skills. For any participant who lacks work history, the identification of transferable skills is extremely helpful.
- b) job seeking skills to train the participant to successfully seek and obtain appropriate employment. This instruction/ guidance will enable participants to market themselves in a job interview and on the job. Subjects include, but are not limited to, development of job leads, job interviewing techniques, discussion of local labor market information, employer expectations, and completion of applications.
- c) activities and opportunities for the participant to build self-esteem. A group setting is one of the best ways to build self-esteem. Brief periodic meetings may be held to allow the group members an opportunity to report progress, discuss problems and receive specific help with job search techniques.
- d) use of the telephone as a primary employer contact to develop job leads and obtain interviews. Developing and writing a good phone script and practicing employer contacts will be an effective aid for the participant in job search.

## 3) Employer Contacts

- a) The participant has the responsibility to arrange the required number of job interviews or submit applications/resumes. The ESW provides support and direction in these areas throughout the job search assignment. **If, however, the individual has a verified disability or language barrier that limits the ability to arrange for the required number of job contacts, the ESW must assist the individual in arranging for these contacts, reduce the number of contacts, or both.**
- b) All participants must be registered with their nearest Virginia Employment Commission Office. Registration with the Virginia Employment Commission will be considered one employer contact.
- c) All participants must report employer contacts in writing by completing the VIEW Job Search Form.
- d) To qualify as an employer contact, four conditions must be met:
  - (1) The participant must present himself to an employer as being available for work;
  - (2) The employer must ordinarily employ persons in areas of work for which the participant is reasonably qualified by means of experience, training or ability;

- (3) The participant cannot count the same employer more than once during a given job search period unless he applies for different positions; and
- (4) Contacts with employers will only be in the form of face-to-face interviews or by submission of applications or resumes to businesses that are hiring.

4) Types of Job Search

There are two types of recipient job search, Group Job Search and Individual Job Search.

a) Group Job Search

Group job search includes methods such as Job Club or classroom instruction.

- (1) Job Club is a tightly-structured, intensive program including instruction in job search methods, extensive use of the telephone to obtain job leads and interviews, peer support, direct monitoring of participant activities, and self-placement through job search.
- (2) Classroom instruction provides the participant with sound skills for finding and keeping employment.
- (3) The annual VIEW plans must describe whether the local department will utilize Job Club or other group methods.
- (4) If a group process other than Job Club is used, the annual VIEW plan must describe that process.
- (5) The participant in group job search is bound by the participation requirements of the specific group activity. The number of weeks and employer contacts required of a participant in group job search cannot be less than the requirements of individual job search.

b) Individual Job Search

Individual job search includes, but is not limited to, counseling on job seeking methods, information dissemination, application completion, and interview techniques. Included in the information sharing should be a discussion on “banking” months of TANF to save eligibility, building assets with the additional savings allowed through receipt of the enhanced earned income disregards, savings accounts disregards, and budgeting.

- (1) The participant will report to the ESW during the job search period and must sign the VIEW Job Search Form attesting to the number of employer contacts made.
- (2) The ESW may contact any employer listed on the VIEW Job Search Form to verify that the participant made a contact.
- (3) Employer's signatures are not required on the Job Search form.

- 2) Part-time employment is employment of at least eight hours, but less than 30 hours per week. A participant working part-time must be assigned to job search at least every three months, but may be assigned more frequently as needed. In addition:
  - a) A participant employed part-time must be assigned to a concurrent education or skills training or other program activity (i.e., CWEP, skills training, education). **If the individual is unable to participate in concurrent education or skills training or other program activity because of a verified disability or disability of a household member for whom he is legally responsible, the individual cannot be required to participate in a concurrent activity.**
  - b) A participant who is employed in an unsubsidized job at the time he signs the Agreement of Personal Responsibility will receive the TANF enhanced earned income disregard the following month. Enhanced disregards allow a participant to keep all earnings and TANF benefits so long as the participant's total household income does not exceed 100% of the federal poverty limit for the size of his household or 150% of the federal poverty level for TANF-UP households.
  - c) Eligible TANF recipients who are employed prior to referral to VIEW should be treated as a priority referral and served as soon as possible so that they may begin to receive the enhanced disregard.
  - d) Participants will receive the enhanced earned income disregard only after they have entered the VIEW program and signed the Agreement of Personal Responsibility.
  - e) A participant who obtains employment while in the VIEW program will receive the VIEW enhanced earned income disregard the month following the month of employment.
  - f) A participant who leaves TANF due to employment or who is employed when the TANF case is closed may be eligible for transitional benefits.
- 3) Self-employment
  - a) If a participant becomes self-employed, the participant must provide information and or documentation to show he is legitimately engaged in self-employment. The information could include, but is not limited to the following information: the kind of business, location, hours of operation, source of funding, prospective customer base, expected earnings, business license if applicable and lease or agreement if space is rented. The ESW is to review the information and verify the information when possible.
  - b) If a participant enters the VIEW program and states he is self-employed and has been self-employed for less than a year, the participant must provide the above

documentation including copies of rent receipts, appointment books or any other documentation that will show the participant is engaging in a legitimate business.

If the participant states he has been self-employed for a year or more, a copy of the previous year's income tax return will suffice. If the tax return is provided and the worker is satisfied with the documentation the up front job search can be waived if the participant meets the criteria in 7.A.

- c) The ESW is to give the participant 60 days to establish the business. The hours spent establishing the business will count as unsubsidized employment. If the client states it will take less than 30 hours a week to establish the business, the participant must be placed in a second component. The ESW will do a monthly follow-up to see how the participant is progressing. The job follow-up can include, but is not limited, to requests for copies of receipts for items purchased to assist in starting the business or appointment books. The participant has to show earnings by the 61<sup>st</sup> day. If the participant is unable to show earnings, the ESW is to assign the participant to a work activity other than self-employment.

#### 4) Job follow-up Retention and Upgrading

##### A) Job follow-up

The ESW should provide case management and services to a participant who becomes employed to assess job proficiencies and deficiencies, the need for additional skills and address potential problems with job retention.

1. Job follow-up is required for VIEW participants who become employed. A job follow-up is required monthly to track the participant's wages and hours of employment. Participants who obtain part-time employment are expected to continue active participation in the VIEW program. Monthly job follow-ups are also required for part-time employment. The purpose of the follow-up is to determine if the participant is still employed and to assist in resolving any problems the participant may be having on the job.



2. There are three possible outcomes to a job follow-up contact:
  - a) The participant is employed;
  - b) The participant has left employment;
  - c) The ESW is unable to contact the participant or the participant does not respond to job follow-up contact.
3. A minimum of six monthly follow-up contacts must be made on all VIEW cases with employment. Job follow-up may be for up to 24 months, if the participant is employed throughout his VIEW participation. If a TANF case is closed before the six follow-ups are completed, the VIEW case must remain open to complete the six required contacts.
4. Job follow-up information is reported in the automated system as well as on the contact sheet for all outcomes.
5. As part of the job follow-up, the worker must verify on a monthly basis the employment hours. To receive credit for job entry hours the agency must verify that the individual remained employed at the scheduled work hours. Verification may consist of an ADAPT payment history inquiry, confirmation by the benefits worker, paystubs, wage forms, client statements or if necessary, the employer. Local agencies may determine which methods of verification will be used by workers. The ESW may contact the employer whenever a participant has left a job to determine why the participant left employment.

#### B. Retention and Upgrading

1. Local agencies are encouraged to meet face-to-face for the first three job follow-up contacts with participants who are employed. The purpose of the meeting is to verify continued employment and assist the participant with any problems on the job. At these meetings, the ESW will assess to determine the following:
  - a. Any problems on the job which may result in the participant quitting or being fired from the job. **The worker may arrange for services to facilitate retention including disability screening, referral for in-depth evaluation, and/or assistance in arranging accommodations, as appropriate;**
  - b. The participant's ability to cope with potential problems on the job;
  - c. What skills are needed to keep the job or promotion;
  - d. What better jobs may be available.

2. As part of the case management services the ESW may provide the following:
  - a. Job retention counseling;
  - b. Career exploration for better jobs;
  - c. Referrals for additional training, education or CWEP;
  - d. Resources for additional job search or job leads;
  - e. Referrals for job coaching or mentoring;
  - f. Work related workshops or seminars.
- C. Reassessments must be conducted on all employed VIEW participants still open to TANF. For full-time employment, the reassessment must be conducted at least every six months. To record full-time employment in the automated system, the participant will be placed in "Pending-employed" for six months.
- D. Participants who are part-time employed will be assigned to a concurrent activity **unless the individual or individual's household member for whom he is responsible has a verified disability that prevents participation in a concurrent activity**. For part-time employment, the reassessment will take place when the other component activity ends, or every six months, whichever occurs first. The ESW, in conjunction with the participant, will develop an Activity and Service Plan to address problem areas, or assist in obtaining a better paying job or promotion.

## 2) Subsidized Employment

Subsidized employment is employment in which government funds are used to directly subsidize the participant's wages. Subsidized employment is designed to provide training while the participant works on the job.

### A. Full Employment Program (FEP)

- (1) The Full Employment Program is a component in which a participant is placed in a public or private sector job and is paid an hourly wage for the work done. The Department of Social Services will pay the employer a predetermined, fixed stipend of \$300 per month. TANF benefits are not paid to the participant during the time the employer is receiving a stipend except when the participant has not worked his scheduled hours for reasons beyond his control.
- (2) The goal of FEP is for the employer to retain the participant at the completion of the training period. The placement should provide the participant the opportunity to gain work experience, develop job skills and work social skills. To increase the likelihood that the participant will be hired on a permanent basis for the job and to promote further FEP placements with the employer, the worker should make every effort necessary to insure that the participant's skills, abilities, and interests are a good match for the job description for the placement.

- (3) VIEW participants who have been unsuccessful in obtaining unsubsidized employment by the 90<sup>th</sup> day after the referral to VIEW will be screened for placement with a FEP employer. Participants who are referred to VIEW and have accrued months on the current AECLOC (24-month VIEW participation clock) may be immediately placed in FEP.

Note: If the hours calculated for participation in CWEP do not meet the federal participation minimum requirement, the participant will be assigned to a concurrent work activity **unless the individual or the individual's household member for whom the individual is responsible has a verified disability that prevents participation in a concurrent activity**. State code mandates the method by which CWEP hours are calculated.\*

D. Requirements for CWEP

- (1) Each VIEW participant in the TANF case must work the required hours based on the calculations described above. The VIEW Referral to Work Site Form is used to refer participants to a work site for an initial interview.
- (2) The time required to travel to and from the work site will not be counted as hours worked.
- (3) A participant may receive education and skills training during the participant's initial six months of participation in CWEP. A maximum of eight hours a week of the required CWEP hours can be used to participate in educational, training, job search, and/or job readiness activities.
- (4) After the initial six months of participation in CWEP, the number of hours a participant works can be reduced to allow increased participation in education/or skills training to further the participant's employability, or the participant can be assigned to another CWEP site, if appropriate.

E. CWEP Work Site Development

- (1) The ESW or work site supervisor will complete a Work Site Position Form which lists the job duties and requirements for each CWEP position.

\* Code of Virginia 63.2 - 608

- (2) The work site supervisor will be given a written explanation of his responsibilities in supervising a CWEP participant.

The supervisor's responsibilities should include, but are not limited to the following:

- (a) Provide supervision and training as agreed upon in the Community Work Site Agreement (032-02-308), as well as supplies, tools and work space needed to do the job.
  - (b) Each month, complete the Attendance/Performance Rating Sheet (032-02-305) and rate the participant's performance.
  - (c) Notify the worker if the participant does not show up for work, is consistently out of compliance with the rules of the work site, or if there are any work-related accidents.
  - (d) Conform to all rules regarding job displacement and secular activities.
  - (e) Explain the employer's rules of the work place to the participant.
  - (f) **Ensure that reasonable accommodations are provided at the work site, if they are required by the Activity and Service Plan.**
- (3) The ESW should attempt to develop work sites which serve a useful public function; examples would be health care facilities, social services, charitable and environmental protection organizations, education, urban and rural development organizations, recreation, public facilities, public safety and child care.

F. Duration of Community Work Experience

- (1) The participant's initial assignment to CWEP must be for a period of six months. Any subsequent assignments must be for a minimum of three months.
- (2) There is no limitation on the number of a participant's assignments to the community work experience component.

G. Work Site Monitoring

- (1) Each month, the supervisor must complete the Attendance/Performance Rating Sheet. The days and hours the participant worked must be reported as well as the supervisor's opinion regarding continuation of the participant at the CWEP site. If the supervisor recommends removal, he must document the reason.
- (2) Every three months, the worker must conduct a reassessment with the

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## 4) On the Job Training or Other Subsidized Training

- A. The following are other examples of subsidized employment or on-the-job training to be used as a work activity in the VIEW Program:
- (1) On-the-job training offered through the **WIA** Program;
  - (2) Work study offered through a community college or a four year college program;
  - (3) Apprenticeship programs;
  - (4) Paid internships offered by colleges or training providers in which the participant receives a wage or stipend for working and receiving training while on the job; or
  - (5) Sheltered workshop employment,
  - (6) Unpaid practicum offered through a college program;
  - (7) Unpaid internships through a college program or training program.
- B. If these activities are offered 30 hours per week or **more**, the participant will not be required to participate in another concurrent activity. If the hours are **less than** 30 per week the participant must be assigned to another concurrent activity **unless the individual or the individual's household member for whom the participant is responsible has a verified disability that prevents the individual from participating in a concurrent activity.**
- C. Unpaid on the job training is usually provided in conjunction with an education or skills training program. Training of this type must always be offered with a specific employer to be considered a work activity in VIEW. To record unpaid training that occurs in conjunction with an education or training program, separate the hours of classroom instruction from the unpaid training. Record the classroom training as either skills training or education, with an appropriate component descriptor. Record the hours of unpaid training as component 19 with a component descriptor of 999.

## D. Education Below the Post-Secondary Level

## 1) Educational Activities

- a) Participants assigned to this component will be those identified as needing certain educational activities to become ready for further education, training or job entry. Participation in education programs below the Post-Secondary level will be limited to one year. Instruction in these activities may be provided in nontraditional educational settings, e.g., accredited correspondence or interactive satellite transmitted courses. The necessary verification and documentation is still required.
- b) Educational activities are defined as basic and remedial education that will provide an individual with a basic literacy level equivalent to at least grade 8.9.

- (1) education designed to prepare individual for a high school degree or its equivalent (GED).
  - (2) Community based literacy programs that provide education activities for individuals who require remediation to acquire a grade 8.9 literacy level.
  - (3) Education in English proficiency (ESL) for a recipient who does not understand, speak, read or write the English language.
- 2) Limitations
  - a) Educational activities can only be provided in conjunction with a work activity during the participant's two year time period.
  - b) Participants who enroll into education prior to coming into VIEW will be required to participate in a concurrent work activity
  - c) Participants will not be assigned to an educational activity which cannot be reasonably completed within one year of participation.
- 3) Monitoring Satisfactory Attendance and Progress
  - a) Participants in educational activities will be monitored to assure satisfactory progress. Satisfactory progress is used to periodically assess the continued appropriateness of the educational assignment.
  - b) Satisfactory progress is defined as one grade level increase for every three months of participation in an educational component.
    - (1) If a participant, during the first three months of participation, has not shown a grade level change, **the worker and instructor will discuss whether the individual may have a cognitive, developmental, learning or other disability that is impeding the individual's progress. If it appears to the worker or instructor that there is a possibility that this is the case, the participant will be referred for a learning disability screening, and if screening indicates that the individual is likely to have a learning or other disability, the individual will be referred for an in-depth evaluation. If the results of this evaluation indicate that the individual has a disability and there are accommodations that could enable the individual to make satisfactory progress in the program, these accommodations must be advocated for by the worker and provided for by the educational provider.**

**If neither the worker nor the instructor believes there is any likelihood that the individual has a disability that is impeding**

**progress, or an individual is referred for screening, and if appropriate, an evaluation, and screening and evaluation rule out the possibility of a disability, the worker and the instructor will discuss whether the participant should be placed in another activity which may better facilitate the participant's job readiness. This discussion should also take place if the participant chooses not to undergo screening and evaluation.** The results of this discussion will be documented in the worker's contact log.

- (2) No participant will be allowed to continue in an educational component if there has not been a grade level change after the initial six months of participation in the component.
- c) Copies of attendance records, certificates, diplomas, grades and, where applicable, competencies achieved will be examined and maintained in the participant's record at the local social service agency.
- d) Documentation of progress must be made every three months.
- e) Instructors must complete the Attendance/Performance Rating Sheet on a monthly basis to track satisfactory participation.

#### E. Post-Secondary Education

- 1) Post-Secondary education is formal instruction at an institution of higher education or vocational school leading to the attainment of a certificate, an associate degree or a baccalaureate degree. Instruction in these activities may be provided in nontraditional educational settings, e.g., accredited correspondence or interactive satellite transmitted courses. The necessary verification and documentation is still required.
  - a) Limitations
    - (1) Post-secondary activities will be limited to a period of twenty-four months. Participants will not be assigned to an educational activity which cannot be reasonably completed within a twenty-four month period of participation. **The ESW must advocate for immediate accommodations from the education provider if needed as a result of a verified disability or as a result of the verified disability of the household member.**
    - (2) The post-secondary education must be related to the jobs which are available in the community or are projected to become available in the community.
    - (3) Participants referred to post-secondary activities, with the exception of participants enrolling into certificate programs, must have a high school diploma or GED prior to beginning the curriculum.



- (4) Participants with a Certificate, Associate or Baccalaureate degree will not be offered additional post-secondary education. These participants are considered to have the education and ability needed to obtain employment.
- (5) Reimbursement for tuition, books and fees will be made for only the twenty-four month period unless the participant has been granted a hardship exception or participants where the extension of benefits for up to one year will enable the participant to complete employment-related education. The participant must apply for all available sources of funding including Pell grants, scholarships, work study or other sources.
- (6) Participants who enroll into education prior to coming into VIEW will be required to participate in a concurrent work activity and meet the requirements of the program.

2) Monitoring Satisfactory Progress in Post-Secondary Education

- a) Participants in educational activities will be monitored to assure satisfactory progress. Satisfactory progress is used to periodically assess the continued appropriateness of the educational assignment. Satisfactory progress is defined as maintaining a "C" average for each grading period and completing the number of credits needed each grading period to successfully complete the degree in the two year time period.
- b) The ESW must obtain copies of attendance records, certificate, diplomas, and grades, all of which must be maintained in the case record. Where applicable, competencies will be examined and maintained in the participant's record at the local social service agency.
- c) The ESW must make proper documentation of the participant's progress at a time consistent with the institution's schedule, e.g. at the end of a semester or quarter.
- d) If a participant is not making satisfactory progress, the worker will meet with the participant to discuss the reasons. **During this meeting, the worker and participant will discuss whether the individual may have a cognitive, developmental, learning or other disability that is impeding the individual's progress. If it appears to the worker or participant that there is a possibility that this is the case, the participant will be screened for a learning disability screening, and if the screening indicates that the individual is likely to have a learning or other disability, the individual will be referred for an in-depth evaluation. If the results of this evaluation indicate that the individual has a disability and there are accommodations that could enable the individual to make satisfactory progress in the program, these accommodations must be advocated for by the worker.**

**If neither the worker nor the participant believes there is any likelihood that the individual has a disability that is impeding progress, or an individual is referred for screening, and if appropriate, an evaluation, and screening and evaluation rule out the possibility of a disability, the worker will determine whether to sanction or if the participant should be placed in another activity**

which may better facilitate the participant's job readiness.

- e) **If a participant is not making satisfactory progress for two or more grading periods, and disability has been ruled out as reason for lack of satisfactory progress, or the participant chooses not to participate in screening and assessment to determine whether a disability is a reason for lack of satisfactory progress, the participant must be reassigned to a different component or sanctioned.**

**If the person has a verified disability and there are reasonable accommodations that would help the individual make progress in the program, they must be advocated for by the ESW and provided by the education institution. An individual cannot be reassigned to another component on the basis that he or she has not made satisfactory progress until the individual fails to make satisfactory progress after these accommodations are provided or necessary accommodations, as determined by the educational provider, are not provided by the educational provider.**

- f) Providers must complete an Attendance/Performance Rating Sheet each month to track satisfactory participation.

F. Self-Initiated Education

- 1) Self-initiated education is education initiated by the participant, and in which the participant is enrolled at the time of assessment. For purposes of this component, the education must be in an institution of higher education that results in an associate or baccalaureate degree or certificate.
- 2) All participants enrolled in educational activities prior to coming into VIEW will be required to participate in concurrent work activities.
- 3) The following procedures will be used by the ESW to approve self-initiated education:
  - a) All recipients who have self-initiated in education must have their education approved by the ESW in order to pay for supportive services.
  - b) The ESW will complete an assessment form, an Agreement of Personal Responsibility and an Activity and Service Plan for each participant prior to approving the self-initiated education.
  - c) If child care is needed, the ESW will notify the child care staff of the approval or disapproval of the self-initiated education. Child care staff will not authorize child care in cases in which the ESW has disapproved the self-initiated education.
  - d) The education must be for jobs available in the community or are projected to become available in the community.
  - e) Participants, for whom grades have been issued, must have a "C" average in order to have their self-initiated education approved.
  - f) If the participant is enrolled in education which will require more than two years to reasonably complete, the participant may be allowed to continue in the activity if they are satisfactorily progressing. However, the participant will not be eligible for a

- f) A participant who has been enrolled in no more than two skills training components in the VIEW Program, and who did not successfully complete due to reasons solely within his control, will not be assigned to another skills training component.

## 2) Vocational Education \*

If the worker determines the participant is in need of and would benefit from immediate job skills training, the participant, with his consent, may be placed in a vocational education program rather than up-front job search. The program must be targeted to skills required for particular employment opportunities in the area.

- a. A participant must meet two or more of the following qualifying criteria:
  - 1. have less than a high school education;
  - 2. have reading or math skills at or below the eighth grade level;
  - 3. have not retained a job for a period of at least six consecutive months during the prior two years;
  - 4. is in a substance abuse treatment program or receiving services through a family violence treatment program.
- b. The vocational education program must meet a minimum of thirty hours per week.
- c. Prior to placing the participant in the vocational education program, a potential employer must be identified. A written statement from the employer must be obtained stating the participant will be placed, if qualified and the employer has an opening in a job at the conclusion of the program.
- d. The participant will be required to work an average of at least eight hours per week in unsubsidized employment or CWEP in conjunction with the vocational education program, **unless the individual or household member for whom the participant is responsible has a verified disability that prevents the individual from participating in a concurrent activity.**
- e. The participant will be allowed to remain in the program for as long as the agency determines he is progressing satisfactorily. The program cannot exceed the VIEW two-year time period.

## 3) Monitoring Satisfactory Progress in Job Skills Training

- a) Satisfactory Progress is measured according to the attendance and satisfactory progress policies developed by the training provider and approved by the local social service agency.
- b) The ESW will monitor the participant to assure that he is making satisfactory progress. Satisfactory progress is used to assess the continued appropriateness of the skills training.

\* Code of Virginia 63.1-133.49

- c) The ESW will examine and maintain in the participant's case record, copies of attendance records, certificates, diplomas, grades and where applicable, competencies.
- d) Documentation of satisfactory progress must be made every three months. The worker will contact the instructor to determine if the participant is satisfactorily progressing and to determine if the participant will successfully complete within the two-year time period. Documentation of these discussions should be kept in the contact log.
- e) If a participant is not making satisfactory progress, the ESW will meet with the participant to discuss the lack of progress. A determination will be made as to whether the participant should continue in the component or be assigned to another component. **If the participant has a verified disability and there are reasonable accommodations that would help the individual progress in the program, the ESW will work with the skills training provider to put such accommodations in place.**
- f) Participants who have not made satisfactory progress after six months of participation in a skills training component should be reassigned to another component which he can be expected to satisfactorily complete.
- g) Training providers must complete an Attendance/Performance Rating Sheet each month to track satisfactory participation.

#### H. Self-Initiated Training

- 1) Self-initiated training is training initiated by the participant and in which the participant is enrolled at the time of initial assessment.
- 2) Participants who enroll into training programs prior to coming into VIEW will be required to meet the requirements of the program.
- 3) The ESW will use the following procedures to approve self-initiated skills training:
  - a) All recipients who have self-initiated in skills training must have their skills training approved by the ESW in order to pay for needed supportive services.
  - b) The ESW will complete an Assessment form, an Agreement of Personal Responsibility, and an Activity and Service Plan for each participant prior to approving the self-initiated skills training.

- c) If day care is needed, the ESW will notify the day care staff of the approval or disapproval of the self-initiated skills training. Day care staff will not authorize day care in cases in which the ESW has disapproved the self-initiated skills training.
- d) The skills training must be for jobs available or likely to become available in the community.
- e) If grades have been issued for the training activity, the participant must have met the satisfactory progress requirements of the provider.
- f) If the participant is already enrolled in skills training which will require more than two years to reasonably complete, the participant may be allowed to continue in the activity if they are satisfactorily progressing but will be ineligible for a Hardship Exception based on the extension of training.
- g) The participant must also meet the conditions previously described in the sections on limitations and monitoring of skills training.

#### I. Job Development and Job Placement

- 1) The Department and local departments will work with other state, regional and local agencies to develop job placements. Job finding and job matching leading to independent employment will be facilitated by the Virginia Employment Commission and the Department of Economic Development. A description of the local agency's Job Development and Job Placement activities should be included in the annual plan.
  - a) Each locality will offer a Job Development and Job Placement component to solicit public and private jobs, to market participants, and to secure job interviews.
  - b) Each locality can assign the participant to Job Development and Job Placement activities concurrent with job search activities.
  - c) Each locality will identify employment opportunities and potential business expansion which may be available for participants.
  - d) Each locality will market job ready participants to the business community through locally designed initiatives such as, but not limited to, program literature, special mailings and telephone networking.
  - e) Existing public and private providers of job development/job placement services, such as VEC, JTPA, and the Department of Economic Development will work with the local departments to facilitate job development and job placement.
  - f) Agencies are encouraged to contract with public and private job development and job placement providers if the services are not available from another provider free of charge.
- 2) The ESW will not assign a participant to Job Development and Job Placement for longer than 90 days. Participants assigned to Job Development and Job Placement must be assigned to a concurrent work activity. **However, where the ESW determines that, as a result of a person's verified disability or the verified disability of a household member for whom the participant is responsible, the person will benefit from a longer period**

**of participation, this is a reasonable accommodation and the period can be lengthened. Similarly, if the ESW determines that, due to a person's verified disability, participation in Job Development and Job Placement will be more successful if not combined with a concurrent work activity, this would be a reasonable accommodation for that individual.**

J. INACTIVE

1. Inactive is a status assigned to participants who cannot participate in the program for reasons other than being exempt. Individual assignments to inactive will be for 30 days only. Participants may be reassigned to inactive; however, multiple assignments to inactive will be closely monitored.
2. Participants will be assigned to inactive if:
  - a. The local agency determines that transportation is unavailable.
  - b. The participant is unable to make child care arrangements and the local agency is unable to make day care arrangements.
  - c. The participant provides a written medical statement of mental or medical problems expected to last for at least 30 days, which would make participation impractical. If the mental or medical problem is expected to last longer than 30 days, the ESW will refer the participant to eligibility for re-evaluation of the participant's exemption status.
  - d. The participant has a family crisis or a change in individual or family circumstances, such as the death or illness of a spouse, parent or child, family violence situations, or other limited circumstances not of the participant's own making. If the participant is in a substance abuse treatment program for which verification has been provided, he may also be placed in an inactive status.

In these circumstances, the ESW may continue to offer supportive services including day care and transportation (in order to assist the participant in returning to active status).

- e. **Because of a verified disability, the participant needs services, supports or accommodations to participate in work activities, but those services, supports or accommodations are unavailable.**
- f. **The participant is participating in health, mental health, or substance abuse treatment or rehabilitation services and participation in these activities prevent him/her from participating in work activities. Supporting documentation that participation is necessary is required. Do not place the participant in inactive if participation in these activities is considered participation in a component.**
- g. **Screening indicates the participant has a potential disability but an assessment by a qualified professional is unavailable.**
- h. The participant will also be placed in inactive status if all of the following conditions exist:
  1. The participant is providing day care for the child of a relative who is in school, training or employment;
  2. The participant, the child and the relative all live in the same household and all are in the same assistance unit;
  3. The agency is unable to make other day care arrangements for the child; and

4. The relative's school, training or employment would be disrupted without the child care.
  - i. The ESW must document in the case record the reasons for assigning a participant to an inactive status. In order to assist the participant, the ESW must outline a plan with actions and anticipated time schedules to assist the client to resolve issues and overcome barriers to participation. The ESW must make referrals to the social worker or other appropriate resources to arrange social services needed by the participant. The results must be documented in the case record.
  - j. The ESW will review the participant's inactive status every month, and complete a new Activity and Service Plan.
  - k. The months in which a participant is assigned to inactive will not count toward participant's two- year time period.



**K. PENDING**

1. Pending is a status assigned to participants who cannot move immediately into a component, but who are anticipated to enter a component within two months. The months in which a participant is assigned to pending will count towards the participant's two-year time period.
2. Participants in Pending must have their Activity and Service Plans reviewed at least every two months.
3. Participants will be placed in Pending for the following reasons:
  - a. To await the outcome of a re-evaluation request to the EW.
  - b. Because of a delay in the commencement of a planned activity.
  - c. Because day care, transportation or supportive services are unavailable, but are expected to become available within 30 days.
  - d. **Because an individual has a verified disability and needs services, supports or accommodations to participate in work activities, but those services, supports or accommodations are not available, if they are expected to become available in 30 days.**
8. Targeted Employer Grant (Repealed effective July 1, 2004)

## 9. REASSESSMENT

- A. Reassessment provides the ESW and the participant the opportunity to review the participant's progress in the VIEW program and address any problems which may present an obstacle to full-time employment.
- 1) Reassessment after the initial job search
    - a) At the completion of the initial job search assignment, the ESW will reassess the participant.
    - b) The ESW must conduct an individual, face-to-face reassessment interview and complete a new Activity and Service Plan for signature.
    - c) If the participant has not found unsubsidized employment by the 91<sup>st</sup> day after the queue assignment, he will be assigned to the Full Employment Program (FEP) or other subsidized employment, on the job training provided by an employer, or community work experience (CWEP). If an appropriate site is available, the participant should be placed in FEP.
  - 2) The reassessment will identify the reason the participant was unable to obtain full-time unsubsidized employment and the ESW will assist the participant in resolving the identified barriers, **including barriers which may be disability-related. If there is a reason to believe that the participant's failure to find full-time employment is related to a disability, the worker may offer screening, and if the screening identifies that the individual is likely to have a disability, will offer an in-depth evaluation, to identify the nature and severity of the disabilities, the individual's limitations, and any accommodations needed. The individual's Activity and Service Plan will be revised to reflect this information.**
  - 3) If the ESW cannot place the participant into a FEP position or an on the job training position provided by an employer, he will assign the participant to CWEP for at least six months. If the participant obtains full-time unsubsidized employment during the CWEP placement, participation at the CWEP site will no longer be required. If part-time employment is found, the required CWEP hours may be reduced accordingly.
- A. Reassessment procedures
- 1) The ESW will conduct a reassessment whenever the participant leaves or completes an assignment. The scheduling of reassessment appointments should be done prior to the end of

- 4) The ESW will not enter the termination in the automated system until after the proposed effective date of the termination of TANF benefits. This practice will decrease the number of cases called into the hot-line requesting assistance in reopening cases that were terminated prematurely.

Note: In agencies which one worker manages both the VIEW and TANF case, the referral is not needed. However, the same time frames for sending the appropriate notices, determining good cause and entering the appropriate actions into the automated systems, will be adhered to.

B. Documentation For Failure To Report For The Initial Assessment

- 1) The ESW will notify the participant of the scheduled interview.
- 2) If the participant fails to keep the appointment, the ESW must document the failure in the contact log.
- 3) The ESW must **either send the participant an Advance Notice of Proposed Action or send a written communication to the EW to send the participant an Advance Notice of Proposed Action.** A copy of the Notice must be **placed in** the case record.
- 4) The ESW must document in the contact log that a telephone call or personal contact was attempted.

C. Documentation for Failure to Sign the Agreement of Personal Responsibility

- 1) The ESW must document in the contact log that the participant refused to sign, or did not sign, the Agreement of Personal Responsibility.
- 2) The ESW must **either send the participant an Advance Notice of Proposed Action or send a written communication to the EW to send the Advance Notice of Proposed Action.**

12. SANCTIONS

A sanction is the suspension of the household's entire TANF grant for program noncompliance. Food Stamp benefits may also be affected.

All TANF and TANF-UP recipients who are determined eligible for the VIEW Program and have already signed an Agreement of Personal Responsibility, are required to participate in the VIEW program. Recipients are subject to sanction if they fail to participate without good cause.

A. Good Cause for Failure to Participate

- 1) **When a client is not in compliance with VIEW, the agency must attempt to contact the client by phone to encourage participation, explore good cause, and/or notify the client of a possible sanction. In addition, the VIEW Notice of Sanction/Termination may be sent. If the ESW determines that the participant did not have good cause or is unable to contact the participant, an Advance Notice of Proposed Action must be sent to the client. The ESW will send a written communication to the EW to send the notice. The communication will include the non-compliance act. The EW will send a copy of the Advance Notice of Proposed Action to the ESW for the case record. The client has 10 days from the date of the notice to contact the ESW to show good cause. Any documentation to confirm good cause has to be presented in this time period.**

- 2) A participant who has good cause for noncompliance will not be sanctioned. Good cause will exist if:
    - a) The participant's inability to fulfill program requirements is due to circumstances outside his control or is the result of a change in circumstances over which the participant had no control. **This includes situations in which the reason for the participant's non-compliance was that the participant had a disability or a household member with a disability that was not identified or was identified but not addressed. The worker must allow the client 30 days to verify the disability prior to referring for sanction.**
    - b) Acceptable child care is not available when necessary for an individual to accept employment or enter or continue in the program. To be acceptable, the child care must meet all of the following criteria:
      - (1) The child care must be arranged:
        - (a) by the participant, or
        - (b) if the participant can not arrange for the child's care, it must be arranged by the local department of social services with a legally operating provider;
      - (2) The child care must be within a reasonable distance from the participant's home or work site. This means that the travel time from the child's home to the child care provider and the work site is generally no more than one hour, based on transportation available to the parent;
      - (3) The child care arrangements must be affordable. This means the cost of the child care is less than or equal to the payment amounts specified in the Child Day Care Services policy (Volume VII, Section II, Chapter D); and
      - (4) If the child care is with a relative it must meet the requirements for relative care in the Child Day Care Services policy (Volume VII, Section II, Chapter D).
- The participant is responsible for demonstrating that she is unable to find child care for one or more of the above reasons. The local agency is responsible for determining if the information provided substantiates that needed child care that meets the above criteria cannot be arranged. The ESW must consult with the Child Day Care worker in evaluating whether a sanction is appropriate.
- c) Accepting employment would result in a net loss of cash income for the assistance unit. Net loss of cash income would result if the family's gross earned income, less necessary work related expenses, was less than the recipient's TANF check he was receiving at the time the offer of employment was made.

- 3) The good cause investigation consists of an evaluation of information in the case record. When there has been no recent contact with the participant, efforts will be made to determine if the participant has contacted the ESW to discuss the problem, given a reason for not attending an ESP interview, or for not completing an assignment, or having not kept any program related appointment.
- 4) A reasonable effort will be made to contact participants who are unable to read. The worker must document that an attempt by telephone or a personal contact has been made prior to referring the case for sanctioning.

The purpose of this contact is to ensure the participant understands the mandatory nature of the program and has an opportunity to explain the reason for noncompliance.

- 5) **Prior to imposing a sanction the supervisor must review the circumstances of the proposed sanction to ensure that the participant has been screened for disabilities or screening has been offered and refused, reasonable accommodations have been provided if needed, and the agency has attempted to notify the client verbally. The supervisor must not approve the sanction if any of these steps have not been taken. The supervisor or designee must sign the VIEW Non-Compliance Checklist. The completed checklist must be placed in the case record.**

B. Refusal to Participate

Refusal to participate occurs when a participant either:

- 1) Overtly chooses not to cooperate; or
- 2) Fails to carry out his prescribed VIEW activities without good cause.

C. Reasons for Applying VIEW Sanctions

The following are reasons for applying VIEW sanctions:

- 1) Failure to report for reassessments, job interviews or other required interviews;
- 2) Failure to actively participate in any VIEW component or activity or to complete

- (1) If the participant to be sanctioned is the head of the household, the food stamp benefits of the entire household will be sanctioned for one month for the participant's first food stamp failure to comply under VIEW, three months for the second failure and six months for each subsequent failure.
- (2) If the participant to be sanctioned is not the head of the household, only the participant will be deleted from the food stamp household. His entire income, however, will still be reflected in the calculation to determine the allotment of the remaining household members.

Note: Because of a number of factors, including differences in TANF and food stamp policy implementation time frames, sanction periods for TANF and food stamps may not be in alignment. Example: A participant could be in his second TANF sanction and his first food stamp sanction.

- d) If the VIEW requirement is not comparable to an FSET requirement and a TANF sanction is imposed, the EW will consider that the participant has lost his exemption status for FSET (the participant was exempt from FSET due to referral to VIEW) and the participant must register for FSET unless otherwise exempt.

### 13. COMPLIANCE

- A. Compliance occurs when the participant who failed to comply and has been sanctioned performs a verifiable act of compliance to lift the sanction during or after the fixed sanction period has elapsed. A verifiable act of compliance for the participant will be either continuing in, or completing an assigned activity.

If the TANF case is closed during the sanction period, the act of compliance may be met while the case is closed or during the pending status of a reapplication. If the individual is applying for food stamps as well as TANF, the TANF sanction is not necessarily cured by complying with FSET requirements. The individual must complete an act of compliance that matches the reason for the VIEW sanction. If that action is no longer available or appropriate, any other verifiable act of compliance deemed acceptable by the ESW will cure the sanction. This determination should be made on a case-by-case basis.

Supportive services may be provided to a participant during the time he is performing a verifiable act of compliance. Ongoing supportive services may also be provided to the other mandatory participant in a TANF-UP household who has continued to comply even when the sanctioned participant remains in the fixed period of sanction. **Reasonable accommodations must be provided to individuals with verified disabilities during the time they are performing verifiable acts of compliance and to make it possible for individuals to perform verifiable acts of compliance.**

1. Verified employment, part or full-time, is a verifiable act of compliance for all situations. The participant is still required to comply with other program requirements in conjunction with employment when applicable.
2. A verifiable act may be defined in these situations as follows:
  - a. For failure or refusal to report for an appointment or required interview - keeping another scheduled appointment or interview. (Excluding the initial assessment interview.)

may be unfavorable” as defined in C.1 a and b of this section. The ESW does not have to screen all VIEW participants for potential hardship exceptions.

**Participants can apply for a hardship exception during the 60-day period prior to the end of the two-year time period. Individuals are entitled to good cause for failing to apply for a hardship exception within this 60 day period if the worker determines that the client failed to apply due to disability reasons. If it is determined that the person had good cause for failing to meet the time period, due to a disability, and it is determined that there are prior sanctions on the person’s record that may affect the decision whether to grant a hardship exception, the worker should consider whether any of the sanctions may have been inappropriately imposed because of the person’s disability that should have been taken into consideration.**

If the ESW does not receive a request for a hardship, the participant’s TANF and VIEW cases will close at the end of twenty-four months. In certain circumstances, it will be necessary to manually communicate hardship exceptions, appeals and clock information to eligibility staff. When this occurs, please use the VIEW Exchange Form, found in Appendix A. If a hardship exception is granted, the participant will continue to receive TANF benefits if otherwise eligible, including VIEW. Only one hardship exception at a time will be granted. Hardships cannot run concurrently, but may be granted consecutively if the participant qualifies.

- 2) The agency may consider granting a hardship exception if a good cause reason exists. In addition, the participant must have complied with the requirements of the Program and engaged in activities designed to obtain employment, **unless the reason for the participant’s non-compliance was the participant had a disability or household member with a disability that was not identified by, or was identified but not addressed.**

#### B. Qualifying Criteria for Granting a Hardship Exception

In order to be considered for any hardship exception, an evaluation of the participant's program participation must be made to determine that none of the following occurred:

- 1) He was not sanctioned for failing to satisfactorily participate in all assigned activities while in the program. Assigned activities must be listed on the Activity and Service Plan. Some examples of assigned activities include:
  - a. job search, either individual or group
  - b. full employment
  - c. community work experience
  - d. other subsidized employment or on-the-job training
- 2) He was not sanctioned for leaving employment while in the VIEW program, **unless the reason for the participant’s sanction was the participant had a verified disability or household member with a verified disability that was not identified by the TANF and VIEW programs, or was identified but not addressed, and the verified disability prevented participation.**

- 3) He was not sanctioned more than one time for reasons other than those listed in 1 or 2, **unless the reason for the participant's sanction was the participant had a verified disability or household member with a verified disability that was not identified, or was identified but not addressed, and the verified disability prevented participation.**

If none of the above three conditions exist, a hardship exception may be granted under the conditions stated in Hardships Exception, section 18, c. and d.

**If there is a determination that a sanction(s) was improperly imposed, the existence of that sanction(s) will not be a bar to the granting of a hardship exception.**

C. Conditions Under Which a Hardship Exception May Be Granted for up to One Year

A hardship exception will, if the local department determines that the participant meets all criteria, be granted by the local agency for a maximum of one year in the following circumstances:

- 1) Factors relating to job availability are unfavorable;
  - a) Participants will not be required to apply for the hardship exception "where factors relating to job availability may be unfavorable". The locality must determine the existence of job unavailability based on its knowledge of the labor market.



- b) Job unavailability is defined as an unemployment rate of 10% or greater in the participant's locality, for the two most recent quarters prior to the end of the two-year time limitation. This data is available from the Virginia Employment Commission. If data is not available for one of the two most recent quarters, the ESW will use the most current data.
  - c) To qualify under this exception the participant must have been actively seeking employment as defined under D. 1).
  - d) Under this hardship exception, the locality will address the following items to ensure that the hardship applies to the individual participant:
    - (1) Length of time for which the hardship exception will apply;
    - (2) The reasons why the benefits need to be extended for the time period requested;
    - (3) Documentation that jobs to which VIEW participants would be eligible are not available.
- 2) A one year hardship exception can be granted to enable a participant to complete employment-related education or training.
- a) The participant must have been enrolled in employment-related education or training for at least nine of the last 12 months. **If, however, the reason the individual was not enrolled for at least 9 of the last twelve months was related to a verified disability or verified disability of a household member for whom the participant was responsible, this will not disqualify the individual from obtaining a hardship exception to complete education and training;**
  - b) If the hardship exception is granted, the employment-related education or training is expected to be completed in a year or less;
  - c) The participant had been making satisfactory progress in the employment-related education or training per program requirements. **If the participant had not been making satisfactory progress, the worker must follow the procedure outlined in Section 1000.7.E.2.d to determine the reasons for the failure to make satisfactory progress, identify any disability-related reasons for this failure and provide accommodations that will make satisfactory progress possible. If the worker has not followed the procedures outlined in Section 1000.7.E.2.d, the individual cannot be denied a hardship exception;** and
  - d) For the purposes of this hardship exception the following education activities are not considered "employment-related education or training." **If, however, the individual who is participating in these activities has a verified disability that interferes with the person's ability to work and it has been determined that completion of this activity will improve the person's chance for employment, then the hardship exception can apply to these activities as well:**
    - (1) Adult Basic Education;
    - (2) General Equivalency Degree activities;

- (3) English as a Second Language; or
- (4) High school.
- e) The ESW must re-evaluate participants granted this hardship every 90 days to determine whether the conditions under which the hardship was granted still exist.
- f) If a participant leaves an employment-related education or training activity, his hardship exception will be immediately revoked and his TANF benefits will be terminated immediately. **Before taking such an action, the ESW must attempt to contact the individual by at least two different means (letter, telephone) to determine why the person left the program and whether it was related to a verified disability of the participant or of a household member for whom the participant is responsible. Under such circumstances, it will be necessary to determine whether good cause exists to continue benefits and whether, with reasonable accommodations and supportive services, the person could return to the program.**

D. Conditions Under Which a Hardship Exception May Be Granted for up to 90 days

A hardship exception will, if the local department determines that the participant meets all criteria, be granted by the local agency for up to 90 days in the following circumstances:

- 1) The participant has been actively seeking employment and is unable to find a job or jobs that would, in combination with all other income or sources of assistance the individual is receiving, pay an amount equal to or exceeding the case's TANF cash benefits plus the standard work deduction. Actively seeking employment is defined as satisfactorily participating in any assigned job-seeking activity while in the program.
- 2) The participant loses his job as a result of factors not related to his job performance.
  - a) Factors unrelated to job performance are circumstances in which the Virginia Employment Commission would have determined that eligibility for unemployment compensation would have existed if the participant had worked sufficient hours to qualify.
  - b) To qualify for this hardship exception, the participant must have applied for unemployment compensation at his VEC office.
  - c) The participant must provide a copy of the determination of ineligibility for unemployment compensation from VEC in order to grant this hardship.
- 3) An extension of this hardship exceptions may be granted in certain circumstances
  - a) A hardship extension is the period of time a participant's TANF benefits and program participation can be extended beyond the originally granted hardship exception. If an extension is granted, the individual will participate immediately in work components, unless good cause exists.

- b) The local agency will refer the case to a panel composed of the Commissioner of the Virginia Department of Social Services, the Commissioner of the Virginia Employment Commission, and the Executive Director of the Governor's Employment and Training Department, or their designated representatives.
- c) The local agency must request an extension in writing, to the Commissioner of the Virginia Department of Social Services, at least 10 days prior to the ending of the participant's original hardship exception. The written request should include, but not limited to the following:
  - (1) The specific reason(s) for granting a hardship extension.
  - (2) The documentation verifying the criteria for granting the extension has been met. In order to apply for a extension, the local department of social services must be able to prove that the individual:
    - a. has been satisfactorily participating in all assigned activities; and
    - b. will encounter extreme hardship if benefits are terminated.
  - (3) A description of any extenuating or individual circumstances the panel should consider in determining if the hardship extension will be granted.
  - (4) The period of time for which the extension should be granted.
- d) The criteria which the panel will consider in making a determination that an individual's benefits should be extended will include but will not be limited to:
  - (1) the individual meets all the general criteria for receiving the hardship exception;
  - (2) the individual has applied for and been found ineligible for unemployment compensation because he has not worked sufficient hours to qualify;
  - (3) the individual, through no fault of his own, is unable to find a job or a combination of jobs that would, in combination with any other income or sources of assistance that the individual is receiving, equal or exceed the amount of the TANF grant plus the standard work deduction; and
  - (4) the individual is able to demonstrate that his family would suffer extreme hardship in the event benefits are terminated; and
  - (5) the individual enters a job search and work component at the time of application and complies with all other program requirements pending and after application approval. The panel will examine each case individually and may consider other extenuating circumstances in deciding whether to grant or deny an exception.

existing hardship. An individual who has exhausted his 24 months of TANF benefits and has left the program may not be considered for a hardship or extension.

F. Procedures for Applying for and Granting a Hardship Exception

1) Procedures for Applying for Hardship Exception

- a) The participant will receive a notice in the mail from the EW informing him that his two-year time limitation for receipt of TANF will end in 60 days. The notice will inform the participant that he can apply for a hardship exception and that the request must be in writing. The notice will also inform the participant that the request must be submitted to the ESW.

The only exception to a written request for a hardship exception is if the participant is illiterate and the worker has documented that he is unable to read and write English.

**The agency must also inform the client verbally that:**

- 1. Some participating families are entitled to receive benefits beyond the twenty-four months based on hardship;**
  - 2. All participants have the right to apply for a hardship exception;**
  - 3. The criteria for qualifying for the hardship exception;**
  - 4. The documentation required to establish hardship;**
  - 5. The right to help in applying for a hardship exception, including, but not limited to, help filling out forms and writing letters, and help gathering documents establishing eligibility;**
  - 6. What to do if they are denied a hardship exception and want to appeal the decision;**
- b) The request from the participant must note the following:
- (1) The hardship exception desired by the participant. (Participants will not be required to apply for the hardship exception "Where factors relating to job availability may be unfavorable").
  - (2) The date the participant wrote the request.
  - (3) The participant's signature.

2) Time Period in Which a Participant Can Apply for a Hardship Exception

- a) **A participant can apply for a hardship exception during the 60-day period prior to the end of the two-year time period. Individuals are entitled to good cause for failing to apply for a hardship exception within this 60 day period. "Good cause" exists if verified disability-related reasons prevented the request a hardship exception.**

- b) To be considered for a hardship exception, the request must be postmarked prior to the end of the participant's two-year time period.
  - 1) The date the participant wrote the request.
  - 2) The participant's signature.
- 3) ESW procedures for granting a hardship exception:
  - a. The ESW must send the participant a notice within 5 days of the receipt of the request for a hardship exception.
  - b. The ESW will review the request and determine if a hardship exception should be granted. The following procedures should be used to make the determination.
    - 1) Complete the Hardship Determination form. (See form in Appendix A)

VIEW FORMS

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COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
VIRGINIA INITIATIVE FOR EMPLOYMENT  
NOT WELFARE (VIEW)

Case Name: \_\_\_\_\_  
Client's Name: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
VIEW Worker: \_\_\_\_\_

### **VIEW NON-COMPLIANCE CHECKLIST**

**THE VIEW WORKER MUST COMPLETE THIS FORM, AND THE VIEW SUPERVISOR MUST SIGN THIS FORM BEFORE THE PARTICIPANT IS REFERRED TO THE ELIGIBILITY WORKER FOR NON-COMPLIANCE. THE INFORMATION CHECKED MUST BE DOCUMENTED IN THE CASE RECORD.**

#### **Section I. To be completed by the VIEW worker.**

The following is documented in the case record:

- ☐ The client has been screened and assessed for disabilities or declined to be screened.
- ☐ Reasonable accommodations have been provided, if appropriate.
- ☐ The client was informed verbally of the potential sanction or an attempt was made to inform the client.
- ☐ Good cause was evaluated and the client does not have good cause for non-compliance.

The participant without good cause:

- ☐ Failed/refused to report for assessment/reassessment or other required interview.
- ☐ Failed/refused to actively engage in or complete job search.
- ☐ Failed/refused to complete a Community Work Experience.
- ☐ Failed to accept a bona fide job offer.
- ☐ Terminated or was terminated from employment.
- ☐ Terminated or was terminated from a Full Employment Program work site.
- ☐ Failed/refused to complete any other activity assigned on the Activity and Service Plan.

Specify activity/requirement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **Section II. To be completed by the VIEW supervisor.**

I have reviewed the case record. There is documentation in it to support the determination that this participant has failed to comply with VIEW program requirements, good cause does not exist, and accommodations have been provided if needed.

\_\_\_\_\_  
Supervisor's signature

\_\_\_\_\_  
Date

### VIEW NON-COMPLIANCE CHECKLIST

**FORM NUMBER** - 032-03-671

**PURPOSE OF FORM** - This form must be completed prior to notifying the eligibility worker to sanction a client for noncompliance with VIEW requirements to ensure that the appropriateness of the sanction has been documented in the case record.

**USE OF FORM** – The form is completed by the VIEW worker and submitted to the supervisor for approval to sanction a VIEW participant. The form is used prior to imposing a sanction.

**NUMBER OF COPIES** - One.

**DISPOSITION OF COPIES** - The original is filed in the case record.

**INSTRUCTIONS FOR PREPARING FORM NUMBER OF COPIES** - The VIEW worker completes identifying information at the top right of the form, indicates the type of documentation filed in the case record to support action to sanction/close the case, and what action or failure to act caused the sanction.

The supervisor signs and dates the form if in concurrence that there was noncompliance, and that there was no good cause not to cooperate.



12/04

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
TEMPORARY ASSISTANCE FOR NEEDY  
FAMILIES (TANF)

Case Name: \_\_\_\_\_  
Client's Name: \_\_\_\_\_  
Case Number: \_\_\_\_\_

## Do you have a disability?

If you have a disability that makes it harder for you to do the things we ask you to do, **please tell us.** A disability is a physical or mental condition that limits one or more life activities.

These conditions may include:

- Diseases (i.e. diabetes, epilepsy, heart)
- Learning disabilities (i.e., a problem reading, writing, or doing math)
- Mental retardation
- Depression or other mental health problems
- Limited ability to walk or stand
- Hearing or vision loss
- History of drug or alcohol addiction

## Help is available

If you tell us you have a disability, we can help you by:

- Calling or visiting if you are not able to come to the office
- Telling you what the letters we send to you mean
- Helping you complete a form
- Referring you to services to help you
- Helping to verify information or gather forms
- Helping you appeal if you disagree with a decision we make
- Changing program requirements

## Federal law protects people with disabilities

The Americans with Disabilities Act (ADA) is a federal law that says people with disabilities have the same rights to benefits or services from the Department of Social Services as other people. You will not be denied benefits and services because of your disability. If you have a condition that makes it hard for you to do what we ask, we will help you find a way to get the benefits and services available to you. **If you need help, tell us.**

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### Known conditions and disabilities

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### Your right to complain

If you feel your benefits or services are denied or changed because of your disability, you may call your worker to arrange a conference or file an appeal. You may also appeal by calling the Virginia Department of Social Services toll free at 1-800-552-3431. If you have a hearing or speech impairment, you may call the Virginia Department of Social Services toll free at 1-800-828-1120 (Text/TTY). Requests for an appeal may also be made in writing to:

Hearing and Legal Services Manager  
Virginia Department of Social Services  
7 North Eighth Street  
Richmond, Virginia 23219-3301

You may file a discrimination complaint by contacting:

U.S. Department of Health and Human Services  
Office of Civil Rights – Region III  
Suite 372  
Public Ledger Building  
150 S. Independence Mall West  
Philadelphia, Pennsylvania 19106-3499  
Hotline: 1-800-368-1019  
TDD: (215) 861-4440  
Fax: (215) 861-4431

### Receipt of “Do you have a disability form?”

I received a copy of the form “Do you have a disability?” and it was explained to me.

Client's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This form was explained to the client on \_\_\_\_\_, who refused to sign it.

Worker's Signature \_\_\_\_\_ Date \_\_\_\_\_

**DO YOU HAVE A DISABILITY?**

**FORM NUMBER** - 032-03-670

**PURPOSE OF FORM** - This form provides an opportunity for an applicant to identify any known conditions or disabilities, the worker to explain types of help the agency can offer, and rights of people with disabilities.

**USE OF FORM** – The form must be explained to each individual applying for TANF and signed by the applicant or worker prior to case approval. This form is used by the agency as an initial assessment of the individual's ability to participate in eligibility or employment-related activities.

**NUMBER OF COPIES** - Three.

**DISPOSITION OF COPIES** – The original is filed in the case record, a copy is sent to the VIEW worker when the client is referred to VIEW, and a copy is given to the applicant.

**INSTRUCTIONS FOR PREPARING FORM NUMBER OF COPIES** - Review the information on the form, assist the individual, as needed, in completing the section on known disabilities, and explain federal protections and avenues of complaint. If the applicant refuses to sign the form, the worker must complete the statement.

**PAGES 36 – 41 INTENTIONALLY LEFT BLANK**

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
VIEW PROGRAM**

Participant Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

ESW: \_\_\_\_\_

Date Request Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

**HARDSHIP EXCEPTION DETERMINATION FORM**

I. HARDSHIP REQUESTED (Check One)

☐ Factors Related to Job Availability are Unfavorable

☐ Actively Seeking Employment

☐ Employment-related Education/Training

☐ Loss of Employment Unrelated to Job Performance

☐ Application was timely: \_\_\_\_ Within 60 days \_\_\_\_ Not within 60 days due to disability reason

☐ Yes ☐ No Copy Of Request Attached

II. POLICY REVIEW (check applicable statement)

Excluding any sanctions improperly imposed:

☐ Has not been sanctioned for failing to satisfactorily participate in assigned activities (components)

☐ Has not been sanctioned more than once for failure to comply with program requirements (required interviews, assessments, etc.)

☐ Has never been sanctioned for leaving employment while in the VIEW Program

☐ Yes ☐ No Does the participant meet all three qualifying criteria?  
If yes, continue to Section III and IV. If no, the participant is ineligible for a hardship exception.

III. EVALUATION OF ELIGIBILITY FOR HARDSHIP EXCEPTION

☐ Yes ☐ No Meets the conditions of a 90 day hardship?

A. 90-Day Hardship Conditions

1. Actively Seeking Employment

☐ Unable to find employment that, when combined with all other sources of income, equals or exceeds the TANF grant plus the \$90 standard work deduction.

TANF Grant \_\_\_\_\_

Work Deduction: \$90

Total: \_\_\_\_\_

Employment: \_\_\_\_\_

Other Income: \_\_\_\_\_

Total: \_\_\_\_\_

☐ Satisfactorily participated in all job searching activities while in VIEW.

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III. EVALUATION OF ELIGIBILITY FOR A HARDSHIP EXCEPTION - CONT'D

2. Loss of Employment Unrelated to Performance

- ☐ Has applied for unemployment compensation  
☐ Has lost employment for reasons other than performance (If sufficient quarters of employment existed, client would be eligible for unemployment compensation.)

☐ Yes    ☐ No    Meets the conditions of a 12 month hardship?

B. 12-Month Hardship Conditions

1. Employment-Related Education/Training

- ☐ Enrolled in employment-related education/training for at least 9 of the last 12 months.  
☐ Is making satisfactory progress in education or training.  
☐ Education/training is expected to be completed in 12 months or less.  
☐ Request is not for any of the following educational components: ABE, GED, ESL, High School.

2. Factors Related to Job Unavailability

- ☐ Participant has been actively seeking employment.  
☐ Unemployment rate in locality for last 2 quarters of available data has been 10% or greater.

IV. DISPOSITION

☐ Yes    ☐ No    Eligible for hardship exception? If not, why? \_\_\_\_\_

Approved: ☐ One year hardship for (Reason): \_\_\_\_\_

From: \_\_\_\_/\_\_\_\_/\_\_\_\_ To: \_\_\_\_/\_\_\_\_/\_\_\_\_

Approved: ☐ 90 Day hardship for (Reason): \_\_\_\_\_

From: \_\_\_\_/\_\_\_\_/\_\_\_\_ To: \_\_\_\_/\_\_\_\_/\_\_\_\_

Worker/Supervisor

Comments: \_\_\_\_\_

## HARDSHIP EXCEPTION DETERMINATION FORM

FORM NUMBER - 032-03-376

PURPOSE OF FORM - This form is designed to help the ESW determine if a VIEW participant is eligible for a Hardship Exception to the TANF 24 month time limit.

USE OF FORM - The form is completed when a request for a hardship exception has been received by the agency.

NUMBER OF COPIES - One original in case record.

INSTRUCTIONS FOR COMPLETION OF FORM - Section I documents which hardship exception is being requested. A copy of the request should be attached to the form.

Section III documents the particular policy requirements for individual 90 day and 12 month hardship exceptions. To qualify for a hardship exception, the conditions must be met.  
(Check "yes").

Section IV documents the final determination of whether a VIEW participant who has reached the end of the 24 month time limit is eligible for a particular hardship exception.

**MEDICAL EVALUATION**

It is our goal to assist the individual named below in preparing for the transition from welfare to work. This person states that he/she is unable to work. Please give careful consideration in completing this medical evaluation. The information that you provide will be used to determine occupations that this individual may be able to perform, even if there are some limitations.

Commonwealth of Virginia  
Department of Social Services  
Temporary Assistance for Needy Families (TANF)  
Virginia Initiative for Employment not Welfare  
(VIEW)  
Food Stamp Employment and Training Program  
(FSET)

Agency Name \_\_\_\_\_  
Address \_\_\_\_\_  
Agency Contact \_\_\_\_\_  
Phone # \_\_\_\_\_  
Case Number \_\_\_\_\_  
Case Name \_\_\_\_\_

Patient's Name: \_\_\_\_\_ Address: \_\_\_\_\_

Birth Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ SS#: \_\_\_\_--\_\_\_\_--\_\_\_\_ Phone#: \_\_\_\_\_

**WORK-RELATED LIMITATIONS:**

1. Date of examination on which this medical evaluation is based \_\_\_\_/\_\_\_\_/\_\_\_\_
2. In terms of working for pay / competitive employment and the patient's current health issue(s), check that which is **MOST** applicable at this time.

A. ☐ Patient is currently able to work.

↓  
Patient can currently work without limitations or modifications. Skip the remaining questions and sign at the bottom of page 2

B. ☐ Able to work with limitations and/or modifications at least 8 hours per week

↓  
Patient is able to work in a limited capacity and/or with modifications. Please complete the remaining questions.

↓  
Anticipated duration of limitation or modification (Check one)

- ☐ Less than 60 days  
☐ 60 – 90 days  
☐ Greater than 90 days. Specify duration: \_\_\_\_\_

C. ☐ Unable to work

↓  
Patient is unable to work in any capacity at this time. Please complete the remaining questions.

↓  
Anticipated duration of incapacity. (Check one)

- ☐ Less than 60 days  
☐ 60 – 90 days  
☐ Greater than 90 days. Specify duration: \_\_\_\_\_

3. Please indicate the primary medical reason for the patient's inability to work or need to work with modifications and/or limitations in the space entitled "primary diagnosis" provided below.

Primary Diagnosis: \_\_\_\_\_

If other medical issues contribute to the patient's inability to work or need to work with modifications and/or limitations, please record those in the space entitled "secondary diagnoses" provided below.

Secondary Diagnosis: \_\_\_\_\_





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**WORK-RELATED LIMITATIONS (CONT'D):**

4. Check all areas that the patient currently has limitations in that result in his/her inability to work or result in his/her ability to work in a limited capacity or with modifications. Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> Lifting objects greater than: _____ POUNDS (insert #)        | <input type="checkbox"/> Sitting for greater than 1 hour at a time   |
| <input type="checkbox"/> Bending over / stooping down / reaching for objects          | <input type="checkbox"/> Standing for greater than 1 hour at a time  |
| <input type="checkbox"/> Manual dexterity activities (typing, handling small objects) | <input type="checkbox"/> Walking distances greater than 50 feet      |
| <input type="checkbox"/> Hearing  | <input type="checkbox"/> Climbing four to six steps                  |
| <input type="checkbox"/> Vision   | <input type="checkbox"/> Driving an automobile                       |
| <input type="checkbox"/> Cognition  | <input type="checkbox"/> Interpersonal relationships with co-workers |

Other work limitations not listed above: \_\_\_\_\_

5. If the patient is unable to work at this time (see question #2 C on previous page), can he/she participate in any of the following at this point in time? Check all activities that the patient can presently participate in. For each that he/she can participate in, please indicate the number of days per week and hours per day that you think would be appropriate given his/her limitations.

ACTIVITY	Check here if patient can participate	Days per week	Hours per day
a. Classroom based activities leading to a GED or other certification	<input type="checkbox"/>		
b. Educational activities that address job etiquette, social skills, positive job behaviors, etc.	<input type="checkbox"/>		
c. Skills training in an occupation within his/her health-related limitations	<input type="checkbox"/>		
d. Resume writing and practice in completing job applications	<input type="checkbox"/>		
e. Participating in mock job interviews	<input type="checkbox"/>		
f. Job Searching (contacting employers; getting on a bus)	<input type="checkbox"/>		
g.	<input type="checkbox"/>		

**WORK-RELATED ADVISING:**

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 6. Have you advised the patient to reduce his/her work hours for health-related reasons? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Have you advised the patient to take a leave of absence for health-related reasons?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Have you advised the patient to quit his/her job for health-related reasons?          | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Have you advised the patient to apply for disability?                                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**COMPLIANCE:**

10. If physical therapy, counseling, or other treatments were prescribed, is the patient complying? ☐ Yes ☐ No ☐ Don't know
11. Does the patient's condition hinder his/her ability to care for his/her children? ☐ Yes ☐ No
12. If medication was prescribed, is the patient complying? ☐ Yes ☐ No ☐ Don't know
13. If the patient reviewed this form, would it jeopardize his/her physical or emotional health or well being? ☐ Yes ☐ No
14. Does the patient require additional evaluation and/or assessment to determine his/her current and/or future work capacity?

☐ Yes

↓ (Check all that apply)

- ☐ Psychiatrist, psychologist or other mental health provider
- ☐ Rehabilitation professional – physical therapist, occupational therapist, speech-language pathologist, etc.
- ☐ Educational specialist
- ☐ Medical specialist – orthopedist, neurologist, etc.
- ☐ Other: \_\_\_\_\_

Print Name of Physician \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date form was completed

Signature of physician \_\_\_\_\_

(\_\_\_\_\_) - \_\_\_\_ - \_\_\_\_  
Physician's telephone number

Physician's address \_\_\_\_\_

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MEDICAL EVALUATION

FORM Number – 032-03-654

PURPOSE OF FORM – To provide medical information concerning the mental/physical condition of an applicant/recipient.

USE OF FORM – To be used by the local social services agency in securing medical information when a written statement is necessary to determine ability to work.

NUMBER OF COPIES – One.

DISPOSITION OF FORM – Submitted to the examining or treating physician and, upon return to the local department, filed in the case record.

INSTRUCTIONS FOR PERPARATION OF FORM – The information at the top of the form is completed by the eligibility/VIEW worker prior to submittal of the form to the examining or treating physician. The information requested in Items 1 through 14 is entered by the examining or treating physician. For number 5, item g, the worker may fill this in with an activity not listed. The physician is to sign the form and also complete the identifying information in the appropriate spaces.